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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Universal periodic review

Operations of the Voluntary Trust Fund for Participation in the Universal Periodic Review*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 16/22 and decision 17/119, in which the Council requested the secretariat to provide an annual written update on the operations of the Voluntary Trust Fund for Participation in the Universal Periodic Review and on the resources available to it. As indicated in the previous update report (A/HRC/32/27), in an effort to consolidate information related to the universal periodic review, and on the basis of Council decision 17/119, the secretariat aligned the timing of submission of the reports on the activities supported through the two universal periodic review trust funds, namely, the Voluntary Trust Fund for Participation in the Universal Periodic Review and the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review. Consequently, as from 2015, both annual reports are submitted to the Council at its June session. The present report provides an overview of contributions and expenditures, together with a description of activities funded since the previous report until 31 December 2016.

II. Financial situation of the Fund

2. Table 1 shows the detailed financial situation of the Fund as at 31 December 2016 (statement of income and expenditure).

* The present document was submitted after the deadline in order to reflect the most recent developments.

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Table 1
Statement of income and expenditure for the period 1 January-31 December 2016
(United States dollars)

Opening balance on 1 January 2016	***1 183 036.29***
Income	
Voluntary contributions received from Governments in 2016	
Cuba	1 884.00
Republic of Korea	25 000.00
Singapore	15 000.00
Miscellaneous and interest income	10 499.73
Total income	**52 383.73**
Expenditure[a]	
Staff costs	3 310.36
Fees and travel of experts and consultants	-
Travel of staff and representatives	82 300.25
Contractual services	-
General operating expenses	-
Supplies and materials	-
Grants, contributions and seminars	-
Programme support costs	11 278.92
Total expenditure	**96 889.53**
Miscellaneous adjustments/savings/refunds to donors	(54.90)
Total fund balance as at 31 December 2016	**1 138 475.59**

[a] Includes disbursements and obligations.

3. Since the establishment of the Fund, 16 countries have made financial contributions to it. In 2016, Cuba, the Republic of Korea and Singapore contributed US$ 1,884, US$ 25,000 and US$ 15,000, respectively.

4. Since the Fund has not enjoyed a predictable pattern of income, substantial resources are systematically kept as a reserve for future activities; the secretariat of the Fund has approved all requests, in line with the Fund's terms of reference, to enable participation in the universal periodic review.

III. Activities

A. Travel to meetings

5. Under the terms of reference of the Fund, financial support is made available to developing countries, in particular least developed countries, to cover travel to Geneva by one official government representative in order to participate:

(a) In sessions of the Working Group on the Universal Periodic Review during which the representative's country is considered;

(b) In plenary sessions of the Human Rights Council during which the outcome of the review of the representative's country is adopted.

6. The Fund also provides for the travel of official representatives (one per delegation) of developing countries, in particular least developed countries, that are members of the Human Rights Council and do not have a permanent mission in Geneva, to act as rapporteurs (namely, as members of the troika).

7. In 2016, 26 of the 35 States that could have benefited from the travel assistance of the Fund requested financial assistance to participate in the sessions of the Working Group at which they were reviewed or in the Human Rights Council plenary sessions: Antigua and Barbuda, Haiti, Micronesia (Federated States of), Mozambique, Niger, Palau, Papua New Guinea, Republic of Moldova, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Seychelles, Sierra Leone, Somalia, Solomon Islands, South Sudan, Sudan, Suriname, Syrian Arab Republic, Swaziland, Togo, Trinidad and Tobago, United Republic of Tanzania and Zimbabwe.

8. Since March 2014, a more proactive approach through targeted correspondence has been implemented to encourage States to avail themselves of the support provided through the Fund. A few weeks prior to the session, the secretariat addresses correspondence to States that could benefit from the assistance of the Fund, indicating the first steps that need to be taken to request the assistance and setting out the main entitlements. Such a targeted approach has allowed States, in particular small island developing States and least developed countries without representation in Geneva and not very familiar with the human rights framework and machinery, to become more familiar with the Fund and to request support. In addition, the secretariat is ensuring, as much as possible, complementarity between the support provided through the Fund and that provided through the fund for small island developing States and least developed countries.

9. In addition to covering travel costs, the Fund also provides for the payment of a daily subsistence allowance at the rate applicable to Geneva at the time of travel. Under the standing official provisions for such travel, a Government formally requesting such assistance would be advised of the official entitlements for travel and daily subsistence allowance in connection with the required itinerary, which would then be reimbursed upon completion of the trip and upon provision of the necessary supporting documentation. That arrangement, however, proved onerous for many requesting Governments, which were unable to submit the claims documenting the travels and were therefore not reimbursed. In an effort to address that issue, between the seventeenth session of the Working Group on the Universal Periodic Review (21 October-1 November 2013) and November 2015, the secretariat arranged to provide economy class tickets prior to travel and paid the daily subsistence allowance upon arrival in Geneva, thereby alleviating most of the difficulties associated with retroactive reimbursement of expenses.

10. In November 2015, the Office of the United Nations High Commissioner for Human Rights (OHCHR), together with most of the United Nations Secretariat, started using Umoja, which has completely changed the way in which the Secretariat manages its administration, executes its work processes, conducts its business and manages its resources. The new system also implies some changes to the way travel arrangements are processed. Although the system is still subject to adjustments, once a Government requests the assistance of the Fund, it is advised of the official entitlements for travel and daily subsistence allowance. OHCHR is required to make the necessary arrangements for the issuance and payment of the ticket in advance. The daily subsistence allowance is provided in two instalments, with 75 per cent of the total amount paid in advance, either by bank transfer or upon arrival in Geneva, and the remaining amount and terminal expenses disbursed after the completion of the mission on the basis of required documentation.

11. The direct ticketing does, however, require more advance planning since Governments are required to designate their delegate with sufficient lead time to enable the secretariat to make the travel arrangements and issue the ticket in accordance with the United Nations official travel policies. However, and unlike the practice until November 2015, in cases where such direct ticketing is not possible, the previous arrangement for retroactive reimbursement of travel expenses can no longer be provided. Undoubtedly, the fact that retroactive travel reimbursement is no longer an option under Umoja has had a substantial impact on the support provided to States.

12. Table 2 below shows the breakdown of financial assistance and annual expenditures, complete with the amount authorized, status of reimbursement and total commitments to date with regard to the financial assistance provided for the travel of government delegates to Geneva.

Table 2
Expenditures for travel of government representatives to attend sessions of the Working Group on the Universal Periodic Review and plenary sessions of the Human Rights Council

Year	*Number of countries funded*	*Amount authorized/pending claim (United States dollars)*	*Amount paid (United States dollars)*
2008	6	13 250.00	16 885.00
2009	17	33 846.00	23 568.00
2010	23	46 365.00	39 942.00
2011	21	81 778.00	11 698.00
2012	3	12 920.00	11 295.00
2013	6	35 176.00	35 176.00
2014	15	57 564.00	53 939.00
2015	23	18 268.00	95 512.00
2016	26	104 113.00	82 300.25
Total			**370 315.25**

B. Training

13. The terms of reference of the Fund allow the financing of briefings prior to the sessions of the Working Group on the Universal Periodic Review to assist countries in the preparatory process. These briefings usually consist of plenary segments and breakout group discussions during which the policies, procedures and modalities of the universal periodic review are examined, information is exchanged and good practices and lessons learned are discussed concerning the organization of national consultations, the setting up of interministerial coordination mechanisms, the drafting of national reports and participation in the interactive dialogues held by the Working Group and the Human Rights Council in plenary session.

14. Increased efforts have been invested in keeping States engaged in cooperation with the universal periodic review mechanism. This relates in particular to small island developing States and least developed countries with no representation in Geneva.

15. In view of the fact that States scheduled for review in 2016 and covered by the targeted outreach involving bilateral briefings in New York and, whenever relevant, in Brussels, were briefed in 2015, no bilateral meetings were held in 2016. In addition, no regional briefings were organized at the end of the second cycle.

16. In the context of OHCHR and the Inter-Parliamentary Union partnership, a panel discussion was held during the thirty-second session of the Human Rights Council, in June 2016, to discuss how the role of parliamentarians in the work of the Council, in particular the universal periodic review, could be strengthened and how the work of the Council could be used by national parliaments to promote and protect human rights. The participation of one of the five panellists was funded by the Fund while the Inter-Parliamentary Union contributed through the participation of one expert.

IV. Conclusions

17. **During the reporting period, the Voluntary Trust Fund for Participation in the Universal Periodic Review continued to facilitate the participation of developing countries, in particular least developed countries, in the sessions of the Working Group on the Universal Periodic Review at which they were considered. Assistance was also provided to requesting States to enable them to participate in the adoption of their outcome document by the Human Rights Council during its plenary sessions. In that regard, the secretariat started following up with delegations through a more**

proactive approach, which included sending targeted correspondence, to ensure that all States entitled to assistance under the Voluntary Fund availed themselves of the opportunity. The initial difficulties experienced since the implementation in November 2015 of Umoja were slowly being overcome. Whenever difficulties were faced, the secretariat made all possible efforts to limit the impact on delegations in need of support.

18. **Since the inception of the universal periodic review and in recognition of the inherent related challenge of ensuring that participation is indeed universal, the needs and constraints of least developed countries have been considered. Ensuring the informed, regular and full participation of States with little resources and no representation in Geneva, in addition to all other States, requires regular outreach activities. Although no bilateral meetings were held in New York or Brussels and no field-based briefings were organized in 2016, it is envisaged that the start of the third cycle of the universal periodic review will result in a new round of briefings. The secretariat is exploring the best options to continue to support States not only to participate in the reviews but for the review to be understood as a full process, in particular at the national level, focusing on the implementation of recommendations made during the previous cycles. The importance of national follow-up and reporting processes is regularly emphasized and initiatives to support the efforts of States in that regard are being developed by OHCHR.**

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Universal periodic review

Operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review

Report of the Office of the United Nations High Commissioner for Human Rights

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I. Introduction

A. Submission of the report

1. The present report is submitted in accordance with Human Rights Council decision 17/119, in which the Secretariat was requested to provide an annual written update on the operations of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review and on the resources available to it. The report was prepared by the Secretariat in consultation with the Board of Trustees of the Fund. The report provides an overview of contributions and expenditure as at 31 December 2016, together with a description of action taken since the submission of the previous report (A/HRC/32/28) to operationalize the Fund. It also provides a description of the results achieved through the various activities funded by the Voluntary Fund during 2016.

B. Background

2. In its resolution 6/17, the Human Rights Council requested the Secretary-General to establish a voluntary fund for financial and technical assistance in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the country concerned. In its resolution 16/21, the Council requested that the Voluntary Fund be strengthened and operationalized in order to provide a source of financial and technical assistance to help countries, in particular least developed countries and small island developing States, to implement the recommendations emanating from their review. The Council also requested that a board of trustees be established in accordance with the rules of the United Nations.

3. The Voluntary Fund was established in 2009. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has continued to provide financial and technical assistance to States that have requested or consented to receiving such support. Support has been provided in the spirit of the founding resolution of the universal periodic review, in which it is stated that the objectives of the review include the improvement of the human rights situation on the ground (Human Rights Council resolution 5/1, annex, para. 4 (a)), the fulfilment of the State's human rights obligations and commitments (ibid., para. 4 (b)) and the enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned (ibid., para. 4 (c)).

II. Operationalization of the Voluntary Fund

A. Board of Trustees of the Voluntary Fund

4. The members of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights also serve as the Board of Trustees for the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review (see A/HRC/29/22, para. 4). They are tasked with overseeing the management of the latter Fund. The members are Marieclaire Acosta Urquidi (Mexico), Lin Lim (Malaysia), Valeriya Lutkovska (Ukraine), Christopher Sidoti (Australia) and Esi Sutherland-Addy (Ghana). The Board elected Mr. Sidoti as Chair for the period 30 June 2016 to the end of the Board's seventh session, held in Geneva in March 2017; at that session, the Board elected Ms. Acosta Urquidi as Chair.

5. In close consultation with the various sections of OHCHR, the Board of Trustees focuses its attention on broadly guiding the operationalization of the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review by providing policy advice.

6. Since the submission of the previous report, the Board of Trustees has undertaken a field mission to the OHCHR office in Guatemala, in October 2016, and has held its regular annual session, its seventh, in Geneva in March 2017. At that session, the Board had strategic discussions with the relevant OHCHR officers on follow-up support to identify strategic options for OHCHR provision of technical assistance and cooperation aimed at assisting States to implement more effectively recommendations emanating from the universal periodic review and other international human rights mechanisms at the country level. The Board will develop the strategic options over the next six months for further consideration at its next session.

7. During the session, the Board of Trustees acknowledged the results achieved by its follow-up support strategy focusing on national follow-up mechanisms and processes at the country level. It highlighted the need for OHCHR to articulate a strategic vision for follow-up support focusing on and leading to better implementation on the ground of recommendations emanating from international human rights mechanisms. The Board strongly encouraged OHCHR to explore ways of providing more focused technical assistance and cooperation aimed at assisting States to implement specific key human rights recommendations and address specific issues, in accordance with the priorities established in the framework of the OHCHR Management Plan 2018-2021 which is currently under development.

B. Strategic vision

8. As noted in previous reports (A/HRC/26/54, A/HRC/29/22 and A/HRC/32/28), OHCHR has been developing the capacity to provide increased support to States in their efforts to implement the outcome of the universal periodic review and other international human rights mechanisms. That effort has been anchored in a holistic and integrated approach that allows OHCHR to provide technical assistance and support that takes into account the recommendations of the universal periodic review, the treaty bodies and the special procedures. Such an integrated approach provides States with a significant opportunity to address the key human rights issues identified in the recommendations emanating from international human rights mechanisms.

9. OHCHR has been making every effort to render its follow-up support more proactive, systematic and results-oriented. To that end, it has been engaging States in their efforts to implement the recommendations of international human rights mechanisms by providing support directly through its field presences or by ensuring the integration of support in United Nations country team programming on follow-up.

10. Thus far, OHCHR has focused its support on establishing or strengthening national mechanisms and processes for follow-up. Key elements identified for more effective follow-up at the national level include a well-functioning inter-institutional body, an implementation action plan that clearly identifies achievable results and priorities, national government agencies responsible for implementation, and indicators and timelines against which to measure impact. OHCHR has made every effort to maximize its effectiveness. Support from the Voluntary Fund to strengthen national follow-up mechanisms and processes has been closely aligned and coordinated with the support provided to States under the treaty body capacity-building programme on national mechanisms for reporting and follow-up.

11. OHCHR has been increasingly providing support to address key thematic human rights issues identified in recommendations from international human rights mechanisms as priority issues for implementation on the ground.

12. In order to provide more effective support to States in implementing their human rights commitments and obligations, OHCHR will continue to adapt and revitalize its strategic vision to support States in the preparation of their national reports and the implementation of the recommendations emanating from the universal periodic review.

13. In line with the terms of reference of the Voluntary Fund, it is essential to ensure that the universal periodic review outcomes are well integrated and mainstreamed into the

United Nations Development Assistance Frameworks, the integrated strategic frameworks in peacekeeping missions and in national development plans, and that the information on review outcomes is widely disseminated.

14. A thorough analysis of the universal periodic review outcomes and those of other human rights mechanisms, such as the concluding observations of treaty bodies, the findings and recommendations of special procedures and the findings of commissions of inquiry mandated by the Human Rights Council, may also serve as a tool for conflict prevention, providing an indication of potential risk factors and necessary measures to be taken by the international community to adequately address them.

15. In addition, it should be highlighted that the universal periodic review outcomes may constitute an essential element to be considered in relation to implementation of the Sustainable Development Goals. Hence, follow-up support through technical assistance and cooperation to States should be aimed at fully integrating the universal periodic review outcomes into national frameworks and processes for the implementation of the Sustainable Development Goals.

III. Results achieved through the implementation of activities supported by the Voluntary Fund during 2016

16. The present section provides examples of the results achieved through a range of activities aimed at supporting States in implementing the recommendations of international human rights mechanisms in an integrated manner on the ground.

Africa

17. In the Democratic Republic of the Congo, an integrated national action plan for the implementation of recommendations from all United Nations human rights protection mechanisms was drafted, with technical and financial support from the United Nations Joint Human Rights Office. A four-day workshop, partly facilitated by an expert from the Subregional Centre for Human Rights and Democracy in Central Africa in Yaoundé, resulted in a draft action plan, which is awaiting finalization and approval by all stakeholders. The validation process was expected to be finalized during the first quarter of 2017.

18. In the Niger, OHCHR supported the Government in organizing two workshops to disseminate the outcomes of the universal periodic review, which involved representatives of the Government and State institutions, the media, civil society and the National Human Rights Commission. OHCHR also assisted the Government, led by the Minister of Justice, to prepare and adopt an action plan on follow-up to the review recommendations, contributing in particular to the development of the matrix and narrative of the action plan. In partnership with other United Nations entities, OHCHR contributed to the consolidation of the dialogue between civil society, the National Human Rights Commission and the Government on the recommendations. OHCHR also trained 20 members of an interministerial committee, including eight women, on the guidelines for the preparation of the initial report to be submitted under the African Charter on the Rights and Welfare of the Child.

Asia and the Pacific

19. In Afghanistan, technical assistance was provided to strengthen governmental capacity to prepare State party reports for submission to the treaty bodies and to coordinate the implementation of their recommendations. The human rights unit of the United Nations Assistance Mission in Afghanistan (UNAMA) contributed to discussions held on 13 to 15 November 2016 on national and shadow reporting with relevant government and non-governmental actors in connection with reporting to the Committee on the Elimination of Discrimination against Women. Similarly, UNAMA/OHCHR started work on its own update report on torture for the Committee against Torture. UNAMA/OHCHR also worked with the Committee on the Elimination of Racial Discrimination as it drafted its list of issues to urge Afghanistan to submit a report after over 30 years of non-reporting. A

network of non-governmental organizations (NGOs) also completed a shadow report for the Committee on the Rights of Persons with Disabilities and was offered comments and suggestions by UNAMA/OHCHR; the Government was expected to submit its initial report in early 2017.

20. In Cambodia, OHCHR, in close partnership with civil society, has monitored the implementation of the Law on Associations and Non-governmental Organizations since its adoption in 2015. It successfully contributed to increasing knowledge among civil society through a series of training courses partly supported by the Voluntary Fund, aimed at raising awareness about the right to peaceful assembly under international human rights law and domestic legislation and building local capacity to comply with the law. OHCHR also produced a Khmer version of the checklist drawn up by the Special Rapporteur on the rights to freedom of peaceful assembly and of association on the proper management of assemblies. OHCHR supported a symposium on the six-month review of the Trade Union Law, which brought together 129 representatives from trade unions across sectors. They discussed the challenges faced under the new law and made recommendations for amendments to it with a view to improving its compliance with the country's obligations under the International Covenant on Civil and Political Rights and the International Labour Organization conventions.

21. In the Philippines, two bills aimed at establishing a national preventive mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment were filed in the Seventeenth Congress and one bill was discussed by the House Committee on Human Rights in November 2016. Through funds allocated by the Voluntary Fund, originally intended for 2015 but deferred to 2016 at the request of the National Human Rights Commission, the Human Rights Adviser supported the organization of a national workshop held by the Commission in December 2016 on advancing the establishment of a national preventive mechanism.

22. OHCHR provided extensive support to Samoa before, during and after its second universal periodic review in the form of a United Nations Volunteer/universal periodic review coordinator funded by the Voluntary Fund. In order to support the functions of the national mechanism for reporting and follow-up, the volunteer based in Samoa designed an implementation monitoring and data-collection website application, obtaining funding for its development from the United Nations Development Programme and New Zealand. The application, entitled "Sadata", was under development and would be integrated into the work of the national mechanism for reporting and follow-up in early 2017.

23. In Thailand, OHCHR organized a workshop on the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the establishment of the national preventive mechanism. The programme served as a useful means to raise Thai officials' awareness of the importance of ratification of that instrument as part of its efforts to end the use of torture. The Government has agreed to ratify the Optional Protocol by 2017. In addition, OHCHR organized a five-day training session for the Royal Thai Police on law enforcement and human rights, which raised police officers' awareness of fundamental human rights. OHCHR also organized a high-level discussion with senior police officials, which was instrumental in raising human rights and policing concerns at the leadership level of the Royal Thai Police. OHCHR plans to continue its engagement with the Royal Thai Police on capacity development in 2017.

Europe and Central Asia

24. In Serbia, the Government approved a new housing bill in November 2016 and sent it to the parliament for approval. Consultation, outreach and training measures were supported by the Voluntary Fund. OHCHR provided the Government with extensive comments on multiple drafts of the bill. It aimed to enhance the holistic human rights character of the bill and establish a strong legal basis for good human rights-based development of the Serbian housing sector on the basis of the recommendations made by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, in the report of her mission in May 2015 (see A/HRC/31/54/Add.2). OHCHR also provided a non-paper to the Government on normative requirements in the area of the right to adequate housing and

best practices in that regard, following up on that report. Legal provisions on human rights in the context of resettlement aimed particularly at the Roma community were included in the bill, including requirements for social inclusion, such as access to mainstream schooling and the labour market. The bill sent to the parliament also includes a number of safeguards in the context of evictions, which have not previously formed part of Serbian law.

25. The Government of Tajikistan, with the support of OHCHR, made considerable efforts to improve the inter-agency mechanism for the implementation of international human rights obligations, including by reviewing its regulations to expand the role of civil society. That included advocacy on enhancing the mechanism's functions on monitoring and follow-up by appointing human rights focal points at the ministerial and municipal levels, launching and regularly updating the website of the commission on the implementation of international obligations in the field of human rights, and holding public consultations with civil society organizations. Furthermore, OHCHR advocacy has also resulted in the Government developing a comprehensive national action plan.

26. In the former Yugoslav Republic of Macedonia, the expert working group of the national mechanism for reporting and follow-up (the government intersectoral body) increased its skills and competence to coordinate State reporting and follow-up efforts. Through workshops, OHCHR helped the working group to acquire skills for clustering and prioritizing, as well as applying an integrated approach to the implementation of recommendations using the OHCHR human rights indicators framework. As a result, the working group has developed a tool to cluster all the recommendations and has started drafting an integrated implementation plan.

Middle East and North Africa

27. In Iraq, OHCHR provided technical and other assistance to the Government in the preparation of reports under various human rights treaties. It also provided considerable support, capacity-building and technical advice to civil society organizations on shadow reporting, and to the national High Commission for Human Rights on submission of reports to treaty bodies. Iraq has not yet responded to the universal periodic review recommendation to develop an implementation action plan for the review recommendations. OHCHR negotiated with the Government of the Kurdistan Region of Iraq to hold a series of consultations with relevant stakeholders, including civil society, on developing an implementation action plan to implement the review recommendations that are relevant to the region pursuant to its jurisdiction. The action plan was due to be endorsed and launched in early 2017.

28. In Mauritania, the participation of women in the discussions on the effective implementation of universal periodic review recommendations and the drafting of the national development strategy 2016-2030 was reinforced through workshops with civil society, targeting women. As a result, human rights NGOs are aware of the relationship between human rights and the Sustainable Development Goals, the process of national prioritization and their relevance for the national development strategy 2016-2030. OHCHR provided ongoing training and capacity-building to the ministerial unit responsible for drafting that strategy and the consultants working on the different development assistance framework-related documents. As coordinator of the human rights and gender thematic group under the United Nations Development Assistance Framework, OHCHR raised United Nations colleagues' awareness about human rights mainstreaming and initiated a joint meeting with the evaluation and monitoring group.

Latin America and the Caribbean

29. In Argentina, OHCHR provided technical assistance to the Federal Human Rights Council to strengthen SIPEN, the national periodic reports system that is in place to monitor compliance with recommendations and reporting to human rights mechanisms.

30. During 2016, the human rights officer based in Barbados conducted seminars across the Eastern Caribbean for government officials and civil society on the United Nations international human rights mechanisms with a focus on the universal periodic review and the treaty bodies. The officer provided assistance on the establishment of a national

mechanism for reporting and follow-up, and supported the Governments of Barbados, Dominica, Saint Kitts and Nevis and Saint Vincent and the Grenadines in the process of strengthening their national mechanisms for reporting and follow-up to recommendations from human rights mechanisms. The officer also provided assistance to the Governments of Barbados, Saint Kitts and Nevis and Saint Vincent and the Grenadines to establish a plan of action to implement recommendations emanating from the universal periodic review.

31. In the Plurinational State of Bolivia, improvements were made to SIPLUS, the system for following up, monitoring and gathering statistics on human rights recommendations made to the country by mechanisms within the universal system of human rights protection, following the system's initial launch in December 2015. With the support of OHCHR, the web design and operational system were improved in order to ensure that everyone has easy access to all the human rights recommendations made to the country, as well as the State's follow-up actions. Furthermore, the database connects the actions to human rights indicators that were developed by the Ministry of Justice and the National Institute of Statistics. The new version of the system was officially launched on 6 December 2016.

32. In Brazil, the national programme for the protection of human rights defenders has been severely weakened under the new administration, and its future remains uncertain. OHCHR piloted an activity in Brazil that planted the seed for a joint Inter-American Commission on Human Rights/OHCHR regional initiative on human rights defenders. OHCHR prepared an analysis of the legal, institutional and public policy framework, which identified the groups at risk and the root causes of violations of the rights of human rights defenders in the country and the specific challenges they face. It included groups that are invisible in terms of statistics and reporting, such as women and urban human rights defenders. The analysis included a set of recommendations and called for the United Nations system in Brazil to take a more active role on that issue, particularly in the case of reprisals.

33. Chile signed a cooperation agreement with SIMORE, the system set up in Paraguay to monitor the human rights recommendations it received, and was developing a mechanism to follow up on the recommendations of the Committee on the Rights of the Child. OHCHR recently received a request to support follow-up to the recommendations of the Committee on the Rights of Persons with Disabilities. OHCHR hopes that, with the mandate of the Deputy Ministry of Human Rights fully established, Chile will move to a more integrated approach to include recommendations from all mechanisms. OHCHR has been discussing with the new Deputy Minister priorities for the mandate, which includes the preparation of a national human rights action plan.

34. In Costa Rica, OHCHR and the United Nations country team continued supporting the national reporting and follow-up mechanism, in particular in the adoption of the 2016 workplan and the establishment of priority initiatives in the area of non-discrimination. OHCHR support enabled the compilation of existing human rights programmes/public policies and the establishment of a permanent mechanism for civil society participation therein. OHCHR also initiated preparations for the piloting of the multilingual universal database to follow up on the implementation of the recommendations of the human rights mechanisms.

35. In the Dominican Republic, progress was made in strengthening the Ombudsman's Office, the national human rights institution, and in developing a national human rights action plan. Progress was also made in terms of setting up a permanent, participatory and strengthened human rights mechanism within the Executive to effectively engage with international human rights mechanisms, including by fulfilling reporting obligations and follow-up to and implementation of recommendations. The official launch of the action plan, originally scheduled for December 2016, was postponed to the first quarter of 2017. The approval of the action plan will require the revision and reinforcement of the inter-institutional Commission on Human Rights, which is called to play an active role in following up the implementation of the plan. As a result of the consultancy carried out in 2015 to support the process of developing the action plan and the mechanism for dialogue with civil society organizations, the main human rights recommendations from the United Nations treaty bodies and the universal periodic review were systematized and shared with

the Minister of Foreign Affairs, who is willing to import the SIMORE system from Paraguay.

36. In Ecuador, OHCHR is providing technical advice to the Government on the implementation of its SIDERECHOS online platform in preparation for drafting the State report for the universal periodic review due in 2017. OHCHR focused on strengthening civil society engagement with human rights mechanisms. Its efforts to encourage civil society organizations to interact strategically with United Nations mechanisms contributed to 13 such organizations submitting reports for the universal periodic review.

37. In Jamaica, the Ministry of Foreign Affairs and Foreign Trade and the Ministry of Justice increased their capacity to lead the interministerial coordination body on follow-up to the recommendations of human rights mechanisms. The Interministerial Committee for Human Rights, led by the Ministry of Foreign Affairs and Foreign Trade, is an ad hoc committee established for the purposes of the universal periodic review and reporting on the International Covenant on Civil and Political Rights, although in practice it covers the country's reporting obligations under all ratified treaties. It enhanced its capacity in the reporting process and the interactive dialogue with treaty bodies, and informally expressed an interest in the national recommendations tracking database currently under development by OHCHR.

38. In Paraguay, technical cooperation was provided to the Ministry of Foreign Affairs to strengthen State capacity to monitor and report on the implementation of recommendations, particularly through the use and consolidation of SIMORE. An intensive cooperation programme was also developed to support the implementation of recommendations on combating poverty and the rights of indigenous peoples and persons with disabilities. Within the framework of the national action plan on the rights of persons with disabilities, civil society was empowered to participate in the design of public policies and in decision-making processes, including the development of human rights indicators linked to the Sustainable Development Goals. With OHCHR support, a set of indicators on the rights to education, health, food, an adequate standard of living, including housing and water, was adopted. The process included linkages to the Sustainable Development Goals, therefore ensuring an appropriate connection between development and human rights.

39. In Uruguay, OHCHR is supporting the process of implementing SIMORE and the establishment of a national mechanism for reporting and follow-up. SIMORE was expected to be fully functional from December 2016. In addition, a decree is expected to be signed and ratified by all ministries stating the responsibility of State institutions to provide information and appoint a representative to the national mechanism. It was expected that the decree would be endorsed and in force by the end of 2016.

40. The OHCHR Regional Office for South America organized a regional consultation with national universal periodic review advisers, United Nations coordination officials and United Nations resident coordinators to define regional strategies and methodologies aimed at implementing universal periodic review recommendations. A follow-up consultation with United Nations resident coordinators from six countries in the region was also supported. Its aim was to analyse the political and institutional changes in the region and their impact on human rights policies, and to discuss the challenges and opportunities for the participation of States, civil society, national human rights institutions and the United Nations system in the reviews of human rights mechanisms, Human Rights Up Front and the Sustainable Development Goals.

IV. Financial situation of the Voluntary Fund

Table 1

Statement of income and expenditure for the period 1 January–31 December 2016

(United States dollars)

Income or expenditure	*Total*
Income	
Voluntary contributions received from Governments	**503 317.91**
Gain/loss on exchange rate	**-1 146.07**
Miscellaneous and interest income	**14 541.63**
Total income	**516 713.47**
Expenditure	
Staff costs	**363 486.95**
Travel of staff and representatives	**51 453.68**
Contractual services	**56 807.72**
General operating expenses	**157 475.66**
Supplies and materials	**0**
Equipment, vehicles and furniture	**0**
Transfers and grants to implementing partners	**132.00**
Programme support costs	**82 036.36**
Total expenditure	**711 392.37**
Net excess (shortfall) of income over expenditures for the period	**-194 678.90**
Opening balance on 1 January 2016	**970 950.16**
Miscellaneous adjustments (savings refunds to donors	**-1.79**
Total fund balance as at 31 December 2016	**776 269.47**

Table 2

Contributions to the Voluntary Fund for Financial and Technical Assistance in the Implementation of the Universal Periodic Review, from the establishment of the Fund to 31 December 2016

(United States dollars)

Donor	*Contribution*
Year 2008-09	
Colombia	40 000
Russian Federation	450 000
United Kingdom of Great Britain and Northern Ireland	45 326
Biennium 2010-2011	
Germany	148 148
Morocco	500 000
Russian Federation	200 000
United Kingdom of Great Britain and Northern Ireland	133 707
Biennium 2012-2013	
Australia	387 580
Germany	475 664
Kazakhstan	9 975
Norway	849 114

Donor	*Contribution*
Biennium 2014-2015	
Germany	242 843
Kazakhstan	53 890
Netherlands	30 000
Norway	601 732
Oman	10 000
Biennium 2016-2017	
Germany	109 649
Republic of Korea	25 000
Norway	238 175
Saudi Arabia	75 000
Spain	54 348
Total contributions	**5 088 085**

41. Table 1 shows the detailed financial situation of the Voluntary Fund as at 31 December 2016 (statement of income and expenditure).

42. Since the establishment of the Voluntary Fund in 2009, 13 countries have made financial contributions: Australia, Colombia, Germany, Kazakhstan, Morocco, the Netherlands, Norway, Oman, the Republic of Korea, the Russian Federation, Saudi Arabia, Spain and the United Kingdom of Great Britain and Northern Ireland. Table 2 provides an overview of all contributions received from the establishment of the Voluntary Fund to 31 December 2016.

43. It is expected that, as the revitalized OHCHR strategic vision for follow-up support focuses on providing support to States in implementing key thematic priority recommendations in a holistic and integrated manner, the demand from States for financial support from the Voluntary Fund will continue and indeed increase. Hence, it is critical to extend the donor base and obtain additional funding in order to make a sustained impact at the country level in providing technical assistance and support to States for more effective implementation of recommendations emanating from international human rights mechanisms.

V. Conclusions

44. **The primary responsibility for implementing recommendations of international human rights mechanisms at the country level rests with States. Hence, securing the political will of States and enhancing their ability to bring about tangible results is vital to meeting the key objective of the universal periodic review, namely, improving the human rights situation on the ground. With a view to achieving that objective, the Voluntary Fund has continued to serve as a valuable source of support for countries in the implementation of the recommendations emanating from their universal periodic review and from other international human rights mechanisms such as treaty bodies and special procedures.**

45. **The focus of OHCHR support has been on building the capacity of States to implement more effectively the recommendations of international human rights mechanisms, particularly by providing support for the establishment or strengthening of national follow-up mechanisms and processes, including inter-institutional bodies such as national mechanisms for reporting and follow-up.**

46. **OHCHR support to help national follow-up mechanisms and processes function more effectively has continued to gain traction. That support to national mechanisms for reporting and follow-up will continue in close coordination with the OHCHR treaty body capacity-building programme. Support from the Voluntary Fund will**

focus on assisting States to fulfil their commitments to implement priority thematic human rights recommendations accepted during their universal periodic review and those from other international human rights mechanisms.

47. **OHCHR will continue to strive to share with States and other United Nations partners several tools that are available to help integrate and mainstream the recommendations of international human rights mechanisms into their respective programmes, such as the United Nations Development Assistance Frameworks and national development action plans.**

48. **It is worth noting that OHCHR, with the advice of the Board of Trustees of the Fund, constantly reviews and updates its strategic vision for follow-up support in order to provide more effective support to States in an effort to facilitate results on the ground in terms of the promotion and protection of human rights. While OHCHR continues to take a holistic and integrated approach to its follow-up support, it seeks, through the use of money from the Voluntary Fund, to: (a) provide capacity-building to States for them to prepare meaningful national reports on implementation, through the provision of training across the spectrum of the government actors concerned; and (b) enable States to meet their commitments by focusing on supporting them to implement key thematic priority recommendations. In that regard, it is important to integrate recommendations from international human rights mechanisms into the national planning processes; to utilize international human rights recommendations for early warning and conflict prevention by integrating them into the Human Rights Up Front initiative; and to ensure that the recommendations become a crucial element in the implementation of the Sustainable Development Goals by integrating them into the relevant national implementation frameworks and action plans.**

49. **It is also important to encourage and secure the active participation of other stakeholders in the follow-up process, as that is key to achieving a sustained impact. Hence, various stakeholders should be able to benefit, either directly or indirectly, from the Voluntary Fund by becoming involved in the technical cooperation and assistance programme for the States that are beneficiaries of the Fund.**

50. **In order to provide technical support and assistance for follow-up more effectively, it is imperative that more contributions be made to the Voluntary Fund. With additional resources, the Fund will be able to support OHCHR to ensure the sustainability of support to States in implementing the recommendations of the international human rights mechanisms.**

United Nations A/HRC/35/19

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Human rights situation in Palestine and other occupied Arab territories

Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem: comprehensive review on the status of recommendations addressed to all parties since 2009

Report of the United Nations High Commissioner for Human Rights*, **

Summary

The present report is submitted pursuant to Human Rights Council resolution 31/35, and details the status of implementation of the recommendations addressed to all parties since 2009 by the relevant Human Rights Council mechanisms, namely previous fact-finding missions, the commission of inquiry and special procedures, and by United Nations treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the Secretary-General in their reports to the Human Rights Council. The report identifies patterns of cooperation, compliance and implementation, and proposes follow-up measures to ensure implementation.

* The report was submitted after the deadline in order to reflect the most recent developments.
** The annex to the report is being circulated as received.

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I. Introduction

1. The present report of the United Nations High Commissioner for Human Rights is submitted pursuant to resolution 31/35, adopted by the Human Rights Council on 24 March 2016. In operative paragraph 8, the Council requested the High Commissioner to conduct "a comprehensive review detailing the status of implementation of the recommendations addressed to all parties since 2009 by the relevant Human Rights Council mechanisms, namely previous fact-finding missions, the commission of inquiry and special procedures, and by United Nations treaty bodies, the Office of the High Commissioner and the Secretary-General in his reports to the Human Rights Council, and to identify patterns of non-compliance, non-implementation and non-cooperation, to propose follow-up measures to ensure implementation ..."

2. During the thirty-fourth session of the Human Rights Council, the High Commissioner provided an oral update on the progress that had been made on the review. Since 2009, over 900 recommendations have been formulated to improve the human rights situation in the Occupied Palestinian Territory. Most of the recommendations have been addressed to Israel, but some have been addressed to the Government of the State of Palestine and other Palestinian duty bearers,[1] as well as to the United Nations, States members of the United Nations, businesses, civil society and the international community.

3. In accordance with Human Rights Council resolution 31/35, the present review attempts to illustrate the extent of implementation of these recommendations, including compliance with international law and cooperation with human rights mechanisms. The concluding sections identify patterns and propose measures to help implementation.

4. The presentation of the report coincides with the fiftieth year of Israeli occupation and the long-standing denial of the Palestinian people's right to self-determination. In its 2004 advisory opinion on the legal consequences on the construction of a wall in the Occupied Palestinian Territory, the International Court of Justice recalled that "the principle of self-determination of peoples has been enshrined in the United Nations Charter".[2] It referred to General Assembly resolution 2625 (XXV), in which it was noted that "every State has the duty to refrain from any forcible action which deprives peoples ... of their right to self-determination".[3] The Court also referred to the article 1 that is common both to the International Covenant on Economic, Social and Cultural Rights and to the International Covenant on Civil and Political Rights, which reaffirms the right of all peoples to self-determination.[4] The Court reiterated that "the right of peoples to self-determination is ... *erga omnes*".[5]

II. Scope of the review and methodology used

5. The present report reviews recommendations made between 2009 and 2016 by human rights mechanisms and offices enumerated in resolution 31/35.[6] To fulfil the

[1] Includes the Palestinian National Authority and the Gaza authorities.

[2] See A/ES-10/273, para. 88.

[3] See General Assembly resolution 2625 (XXV), annex.

[4] In A/ES-10/273, para. 111, the Court confirms the applicability of the International Covenant on Civil and Political Rights in respect of acts done by a State in the exercise of its jurisdiction outside its own territory.

[5] See A/ES-10/273, para. 88.

[6] See the annex to the present report for the full list of reports reviewed. The resolution did not encompass the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, nor the 2009 and 2014 boards of inquiry established by the Secretary-General.

requirement of a comprehensive review, requested in the resolution, the reports on the universal periodic reviews of Israel, issued in 2009 and 2013,[7] have been referenced.[8]

6. Most of the reports containing the recommendations under review have been presented before the Human Rights Council. However, where a body specified in paragraph 8 of resolution 31/35 also reports to the General Assembly,[9] these have also been included in the review. Similarly, as reports of the Secretary-General to the Human Rights Council typically stipulate that they are to be read in conjunction with reports to the General Assembly, these have also been reflected.

7. The individual assessment of the implementation of each recommendation is based on the most recent information[10] found in United Nations reports and from official domestic sources, civil society information and other credible sources.

8. On 20 December 2016, the Office of the United Nations High Commissioner for Human Rights (OHCHR) addressed notes verbales to the Permanent Mission of Israel, and to the Permanent Observer Mission of the State of Palestine. The State of Palestine responded through notes verbales on 21 December 2016 and 24 January 2017. To date, Israel has not officially responded.

9. The status of implementation of recommendations has been assessed in five categories: "implemented", "partially implemented", "unimplemented", "closed or no longer applicable" and "insufficient information".[11]

10. Most recommendations are addressed to Israeli and Palestinian authorities, some to the United Nations and the international community, and a relatively small number to other stakeholders such as civil society and businesses. To ensure comprehensiveness, the analysis covers recommendations to all parties, including those that relate to the duties of Member States and High Contracting Parties to the Fourth Geneva Convention and those that relate to *erga omnes* obligations.

11. The review is limited to recommendations applicable to the Occupied Palestinian Territory, grouped under seven thematic areas, ordered according to the total number of recommendations dedicated to each, as follows:

- Accountability and access to justice
- International engagement
- Arrest and detention
- Settlements

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[7] See A/HRC/10/76 and A/HRC/25/15.

[8] The State of Palestine has not undergone the universal periodic review process as it holds non-member observer State status in the United Nations (see General Assembly resolution 67/19).

[9] For instance, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

[10] Up until 30 March 2017.

[11] Implemented: signifies that the necessary action has been taken to implement the recommendation and, where applicable, the violations or abuses have ceased.

Partially implemented: signifies that some relevant action aimed at implementing the recommendation has been taken or is ongoing, but that the recommendation has not been fully realized and, in some cases, the violations or abuses have not ceased.

Not implemented: signifies that no meaningful action or insufficient action has been taken to implement the recommendation, and may also refer to situations where measures were directly counterproductive to the implementation of the recommendations.

Closed or no longer applicable: refers to recommendations that are no longer relevant because the situation has changed.

Insufficient information: refers to the inability to make a determination due to inadequate or conflicting information available. It may also refer to recommendations that are so broadly stated as to render the question of their status of implementation open to interpretation and unsuitable for a firm and objective determination.

- Freedom of movement
- Other civil and political rights
- Economic, social and cultural rights

III. Recommendations by type of mechanism or office

12. Out of the 929 recommendations reviewed,[12] 773 fall within the mandated scope of the report and had their status of implementation appraised. Tables have been used throughout the report to provide an overview of the recommendations by report and by addressee and to illustrate their level of implementation. Where a certain category of implementation has not been applicable for the addressee (e.g. where none of the recommendations has been implemented or partially implemented), the corresponding column has been omitted from the table.

Table 1
Sources of recommendations

	Secretary-General	*High Commissioner*	*Fact-finding missions commissions of inquiry*	*Special procedures*	*Treaty bodies*	*Total*
Number of reports	22	8	3	21	10	64
Number of recommendations	143 (15%)	119 (13%)	65 (7%)	191 (21%)	411 (44%)	929

Table 2
Analysis of recommendations by party

	Secretary-General	*High Commissioner*	*Fact-finding missions commissions of inquiry*	*Special procedures*	*Treaty bodies*	*Total*
Israel	113	64	20	87	267	551
Palestinian authorities[13]	11	46	5	12	1	75
Palestinian armed groups	9	9	4	0	0	22
Parties to the conflict[14]	2	0	4	23	0	29
United Nations	4	0	20	32	0	56
International community	0	0	11	16	0	27
Civil society and businesses	2	0	1	10	0	13
Total	**141**	**119**	**65**	**180**	**268**	**773**

[12] Does not include universal periodic review recommendations.
[13] Includes the authorities in the West Bank and Gaza and the Government of the State of Palestine.
[14] Comprises recommendations addressed jointly to all parties to the conflict.

IV. Thematic areas

13. Just as human rights are indivisible, interdependent and interrelated, the recommendations that form the subject matter of the present review are interconnected. Additional analysis on each thematic area has been included in the forthcoming addendum to the present report, which includes key recommendations highlighting the method for assessing their implementation. Recommendations made to Israel in both rounds of the universal periodic review fall into the above-mentioned seven broad thematic areas.

A. Accountability and access to justice

14. Accountability and access to justice, representing 27 per cent of the recommendations (253), is the largest thematic area under review.

Table 3
Implementation of recommendations related to accountability and access to justice

	Israel				*Palestinian authorities*			*United Nations, international community, civil society*		
	Implemented	*Partially implemented*	*Not implemented*	*No longer relevant or insufficient information*	*Partially implemented*	*Not implemented*	*No longer relevant*	*Implemented*	*Partially implemented*	*Not implemented*
Accountability and investigations for violations of IHL and IHRL	1	4 (1)[15]	99 (9)	1	9 (1)	35 (9)	0	1	3	2
Compliance with IHL and IHRL	1	4	66 (3)	6 (1)	1	15 (2)	1	0	3	1
Death penalty	0	0	0	0	0	4	0	0	0	0
Cooperation with international mechanisms	0	0	0	1	0	0	0	0	1	2
Other	0	0	3 (1)	2 (2)	0	3 (1)	2 (2)	0	0	0
Total	**2 (1%)**	**8 (4%)**	**168 (90%)**	**9 (5%)**	**9 (13%)**	**56 (82%)**	**3 (4%)**	**1 (8%)**	**7 (54%)**	**5 (38%)**

Abbreviations: IHL, international humanitarian law; IHRL, international human rights law.

15. Impunity for violations of international humanitarian law and international human rights law in the Occupied Palestinian Territory has been a long-standing concern articulated by the United Nations and civil society.[16] The High Commissioner has expressed on several occasions "serious concerns regarding the lack of accountability related to past cycles of violence and escalation in Gaza and to incidents in the West Bank, including East Jerusalem, and in the access-restricted areas of the Gaza Strip".[17]

16. Over the years, successive reports have detailed serious failings of accountability at all levels, and by all duty bearers. The independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 stated that "impunity prevails across the board for violations allegedly committed by Israeli forces, both in Gaza and the West

[15] The numbers in parentheses indicate the number of recommendations addressed to all parties.

[16] See, for example, A/68/502, section II, D; A/69/347, section III, E and F; and A/HRC/25/40, paras. 50-60. See also, for example, www.btselem.org/download/201605_occupations_fig_leaf_eng.pdf.

[17] See A/HRC/31/40/Add.1, para. 39.

Bank". It noted that "Israel must break with its lamentable track record in holding wrongdoers accountable" and that "accountability on the Palestinian side is also woefully inadequate".[18] Two years after the 2014 escalation, the Office for the Coordination of Humanitarian Affairs (OCHA) expressed serious concerns regarding the persistent "lack of investigations and accountability by both the Israeli and Palestinian authorities into alleged violations of international humanitarian law and international human rights law, including allegations of war crimes, as well as lack of civil remedies and compensation to victims".[19]

17. The Israeli investigation system for examining complaints and claims of violations of international humanitarian law includes civilian oversight of the military justice system, as well as reviews by public commissions of inquiry and fact-finding assessments. The public reports of the Turkel Commission and the Ciechanover review illustrate the efforts of Israel to strengthen its investigation system. The independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 recognized the above and referred to the safeguards in place to preserve the independence of the Military Advocate-General.

18. This accountability system remains limited for violations in the Occupied Palestinian Territory on account of two sets of shortcomings: "physical, financial, legal and procedural barriers that restrict the ability of Palestinians, particularly those living in Gaza, to gain access to justice",[20] and the failure to investigate all allegations. The Secretary-General underlined that "findings suggest a consistent failure by the Military Advocate General, who heads the military justice system, and the Attorney General to open investigations in cases where there is prima facie evidence, including eyewitness testimony, medical reports and audiovisual materials indicating that actions by State agents were unlawful".[21] The dual role of the Military Advocate General, as both legal adviser to the Chief of General Staff and other military authorities and supervisor of disciplinary and criminal investigations, compromises the independence and impartiality of the investigative system, since the Military Advocate General is responsible for investigating violations carried out in operations for which he provided legal advice.

19. Israel has published information on its investigative structure and on selected investigations, including those related to allegations of violations by Israeli forces in the context of the 2014 Gaza conflict.[22] However, the noted failure to open investigations into all credible allegations and the lack of access to justice result in unimplemented recommendations related to investigations and to redress for victims. The shortcomings identified above compromise the ability of Israel to comply with international standards of independence, impartiality, promptness, thoroughness and effectiveness.

20. Lack of accountability by Israel is illustrated by the general absence of higher-level responsibility for violations of international humanitarian law in the 2008/09, 2012 and 2014 conflicts in Gaza, with only a handful of convictions, if any, issued for minor violations, such as theft and looting.[23] According to B'Tselem, the military law enforcement system is oriented towards soldiers and ignores the responsibility of high-level military commanders and policymakers.[24] Despite constructive recommendations by the Turkel Commission, mandated to examine the mechanisms used by Israel for investigating violations of the laws of armed conflict,[25] and follow-up by the Ciechanover Commission, the Secretary-General noted the lack of "significant improvements in accountability".[26] There is little available information, including in documents issued by the Government of

[18] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16119&LangID=E.

[19] See www.ochaopt.org/content/gaza-two-years-less-nine-cent-referred-incidents-have-led-criminal-investigation.

[20] See A/71/364, para. 40.

[21] Ibid.

[22] For example, update No. 5 of the Military Advocate General.

[23] See A/HRC/28/80/Add.1, para. 79; and A/HRC/34/36, para. 78.

[24] See www.btselem.org/download/201605_occupations_fig_leaf_eng.pdf, p. 36.

[25] See A/68/502, para. 29; and A/HRC/25/40, para. 77.

[26] See A/71/364, paras. 61-69.

Israel about the 2014 Gaza hostilities,[27] about reviews undertaken in any of the areas mentioned by the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 (e.g. the definition of military objectives, targeting residential buildings and the effectiveness of precautionary measures).[28]

21. Regarding allegations of acts perpetrated outside active hostilities, the 2017 conviction of Sergeant Elor Azaria to 18 months' imprisonment for the manslaughter of Abdelfattah al-Sharif, a Palestinian who was incapacitated after being shot for allegedly stabbing an Israeli soldier, has been highlighted as exceptional for even reaching trial[29] but referred to as excessively lenient.[30] The Military Advocate General had asked for a sentence of 30 months' to 5 years' imprisonment.[31] The period following October 2015 saw an alarming rise in allegations of excessive use of force and extrajudicial killings by Israeli security forces.[32] The Government has taken steps to address crimes by Israeli settlers against Palestinians, including through intensified law enforcement,[33] which resulted in a decrease in reported incidents of settler violence. The need to investigate cases of settler violence and prosecute perpetrators remains.[34]

22. In 2016 and 2017, the High Commissioner expressed concern about the lack of progress in Palestinian accountability for violations of international humanitarian law and international human rights law,[35] and called for the expedited implementation of recommendations made to Palestinian authorities by the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1.

23. The Committee of independent experts in international humanitarian and human rights law established pursuant to Council resolution 13/9, established following the report of the United Nations Fact-Finding Mission on the Gaza Conflict, found that the Palestinian Independent Investigation Commission, mandated to follow up on the recommendations of the Mission, had "undertaken independent and impartial investigations in a comprehensive manner".[36] It noted obstacles to accountability stemming from the intra-Palestinian divide and from restricted access to Gaza. The Secretary-General reported the absence of meaningful investigations into alleged violations by Palestinian authorities regarding the hostilities in Gaza in 2014.[37]

24. In addition to lack of accountability for violations of international humanitarian law by Palestinian armed groups,[38] there are continuing concerns over accountability for alleged human rights violations by Palestinian authorities.[39] In 2015, the Government of the State of Palestine established the Independent National Committee of Investigation, mandated to evaluate investigations by Israeli and Palestinian authorities into allegations of serious violations of international humanitarian law and international human rights law. In January

[27] See http://mfa.gov.il/MFA/ForeignPolicy/IsraelGaza2014/Pages/2014-Gaza-Conflict-Factual-and-Legal-Aspects.aspx.

[28] See A/HRC/29/52, paras. 85-87.

[29] See A/71/364, para. 9; and A/HRC/34/36, para. 7.

[30] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21221&LangID=E.

[31] See www.i24news.tv/en/news/israel/139360-170306-israeli-army-prosecutors-may-seek-longer-sentence-for-hebron-shooter-report.

[32] "Cases of excessive use of force by Israeli forces against Palestinians, including some which appear to amount to summary executions, continue to be reported and some have been captured on video": see www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16759&LangID=E.

[33] See A/71/355, para. 20; and A/HRC/31/43, paras. 40-43.

[34] See A/71/355, para. 50.

[35] See A/HRC/31/40/Add.1, para. 65; A/HRC/34/36, para. 79; and www.ochaopt.org/sites/default/files/gaza_war_2_years_after_english.pdf.

[36] See A/HRC/16/24, para. 53.

[37] See A/HRC/34/38, para. 42.

[38] Briefings to the Security Council given on 29 August 2016 and 16 February 2017 by the Special Coordinator for the Middle East Peace Process.

[39] See A/HRC/34/38, para. 52.

2017, its first report was presented to the Government of the State of Palestine and shared with OHCHR.[40]

25. In 2016, the Secretary-General stated that "the lack of any significant movement towards a political resolution and ongoing violations of international human rights and humanitarian law are exacerbated by the lack of accountability for previous violations. That feeds the cycle of violence and compromises chances for sustainable peace and security. Tackling impunity must be the highest priority".[41]

B. International engagement

26. A total of 141 recommendations (15 per cent) called for engagement with international human rights mechanisms and for general implementation and compliance with international law.

Table 4
Implementation of recommendations related to international engagement

	Israel			*Palestinian authorities*				*International community*			
	Partially implem.	*Not implem.*	*Insufficient information*	*Implem.*	*Partially implem.*	*Not implem.*	*No longer relevant insufficient information*	*Implem.*	*Partially implem.*	*Not implem.*	*Insufficient information*
General implementation of international standards and recommendations	2	26	2	0	2	0	1	8	8	10	6
Cooperation with international mechanisms	3	2	0	0	0	0	0	0	1	3	1
Actions conducive to peace	2	4	2	0	1	2	0	2	6	12	6
Other	0	13	8	1	1	0	1	0	2	1	2
Total	**7 (13%)**	**45 (86%)**	**4 (7%)**	**1 (11%)**	**4 (44%)**	**2 (22%)**	**2 (22%)**	**10 (15%)**	**17 (25%)**	**26 (38%)**	**15 (22%)**

27. While the United Nations, including OHCHR,[42] continues to systematically document the human rights situation in the Occupied Palestinian Territory and to promote implementation of its own resolutions, decisions and recommendations, "resolutions and communiqués alone are not enough. What is required is action. Action by the leaders themselves. Action by the international community and the region" — as noted by the United Nations Special Coordinator for the Middle East Peace Process and Personal Representative of the Secretary-General to the Palestine Liberation Organization and the Palestinian Authority (Special Coordinator for the Middle East Peace Process).[43]

28. Recommendations calling for the implementation of international human rights standards and previous recommendations made by the United Nations remain largely unimplemented by Israel and by Palestinian authorities. As noted by the Secretary-General,

[40] Note verbale from the State of Palestine, 21 December 2016.

[41] See A/71/364, para. 6.

[42] See, for example, A/71/364; A/71/355; A/HRC/34/36; and the report of the Secretary-General on Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, available from www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session34/Pages/ListReports.aspx.

[43] At the Ministerial Council of the League of Arab States on 7 March 2017 in Cairo.

"all previous recommendations of the United Nations human rights treaty bodies and other mechanisms … which remain valid, must be fully and promptly implemented".[44]

29. Several Member States have recommended to Israel in the universal periodic review process to respect the right of Palestinians to self-determination, end the occupation and desist from measures seeking to change the character or legal status of East Jerusalem.

C. Arrest and detention

30. The analysis includes 106 recommendations that concern arrest and detention — these constitute 11 per cent of the total.

Table 5
Implementation of recommendations related to conditions of detention

	Israel		*Palestinian authorities*		*Human Rights Council*
	Partially implemented	*Not implemented*	*Partially implemented*	*Not implemented*	*Not implemented*
Treatment of children	6	46	0	6	0
Treatment of adults	1	19	1	4	0
Administrative detention	0	13	0	1	1
Judicial guarantees	0	5	0	8	1
Total	**7 (8%)**	**83 (91%)**	**1 (1%)**	**13 (100%)**	**2 (100%)**

31. The recommendations call on Israel to bring its policies and practices relating to the treatment of children in line with international standards, including using detention as a last resort, conducting arrests during daylight hours only, providing legal counsel before interrogation and ending administrative detention. Since the establishment of juvenile military courts in 2009, Israel has adopted some relevant measures, such as increasing the age of majority from 16 to 18 years for the purposes of adjudication and providing other safeguards for minors.[45] In 2013, the United Nations Children's Fund (UNICEF) noted that "the ill-treatment of children who come in contact with the military detention system appears to be widespread, systematic and institutionalized throughout the process".[46] In 2015, UNICEF indicated the need for "further actions to improve the protection of children in military detention, as reports of alleged ill-treatment of children during arrest, transfer, interrogation and detention have not significantly decreased".[47]

32. As at August 2016, Israel held 319 Palestinian children as "security detainees and prisoners" — an 82 per cent increase compared to 2015.[48] Several organizations continue to document night arrests, lack of access to lawyers, lack of information about their rights and systematic violence.[49] In 2016, the Secretary-General stated that the number of children detained "raises concerns about meeting international law requirements that children be

[44] See A/HRC/34/38, para. 79.
[45] See www.unicef.org/oPt/Children_in_Israeli_Military_Detention_-_Observations_and_Recommendations_-_Bulletin_No._2_-_February_2015.pdf.
[46] See www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf.
[47] See www.unicef.org/oPt/Children_in_Israeli_Military_Detention_-_Observations_and_Recommendations_-_Bulletin_No._2_-_February_2015.pdf.
[48] Official data provided to B'Tselem, available from www.btselem.org/statistics/minors_in_custody.
[49] See www.btselem.org/detainees_and_prisoners/minors_in_custody, www.unicef.org/oPt/Children_in_Israeli_Military_Detention_-_Observations_and_Recommendations_-_Bulletin_No._2_-_February_2015.pdf and www.militarycourtwatch.org/page.php?id=MmNuAkpGesa613395AWw2bO0pT3K.

arrested and detained only as a last resort"[50] and noted with concern the reinstating of administrative detention of children, unused since 2011.[51] Despite legal reforms undertaken by Israel, human rights treaty bodies have expressed concern that they have not been consistently applied, noting a gap between policy and practice.[52]

33. Other recommendations urge Israel to ensure that detainees are not subjected to force-feeding or forced medical treatment, otherwise subjected to ill-treatment or punished for engaging in hunger strikes. In September 2016, the Supreme Court of Israel ruled that the legislative amendment allowing such forced treatment meets the constitutionality test.[53]

34. Recommendations to Palestinian authorities in the West Bank and in Gaza have called for ending arbitrary arrests, administrative detention, torture and ill-treatment and for compliance with international standards to be ensured. In 2016, arbitrary arrests and detention by Palestinian security forces continued. In 2015, the Independent Commission for Human Rights[54] received 1,700 complaints (782 in the West Bank and 918 in Gaza) on violations of due process of law, including arbitrary detention on political grounds.[55] In March 2017, OHCHR documented ongoing allegations of torture and ill-treatment of Palestinian detainees in the West Bank and in Gaza.[56]

D. Settlements

35. Ninety-three recommendations, or 10 per cent of all recommendations, address the presence of Israeli settlements in the West Bank, including East Jerusalem, and their impact on human rights.

Table 6
Implementation of recommendations related to settlements

	Israel	*International community Member States*		*Civil society*		*Businesses*		*Human Rights Council*
	Not implemented	Partially implemented	Not implemented	Partially implemented	Implementation information	Not implemented	Implementation information	Not implemented
Settlement expansion	20	0	0	0	0	0	0	1
Zoning and building permits	18	0	0	0	0	0	0	0
Forced transfer	20	0	0	0	0	0	0	0

[50] See A/71/86-E/2016/13, para. 24, available from www.un.org/ga/search/view_doc.asp?symbol=A/71/86&Lang=E&Area=UNDOC.
[51] See A/70/836-S/2016/360, para. 75, available from www.un.org/ga/search/view_doc.asp?symbol=A/70/836&Lang=E&Area=UNDOC.
[52] See CCPR/C/ISR/CO/4, para. 19, and CAT/C/ISR/CO/5, para. 28.
[53] See www.loc.gov/law/foreign-news/article/israel-law-authorizing-force-feeding-of-prisoners-held-constitutional/.
[54] The national human rights institution.
[55] Independent Commission for Human Rights, *The Status of Human Rights in Palestine: Twenty-First Annual Report, 2015* (issued in 2016), pp. 186 and 187.
[56] See A/HRC/34/38, para. 70.

	Israel	International community/Member States		East Jerusalem		Businesses		Human Rights Council
	Not implemented	Partially implemented	Not implemented	Partially implemented	Insufficient information	Not implemented	Insufficient information	Not implemented
Demolitions and displacement	16	0	0	0	0	0	0	0
Businesses' engagement in settlements	3	2	1	1	1	4	2	0
Exploitation of natural resources	1	0	0	0	0	0	0	0
Human rights violations linked to settlements	3	0	0	0	0	0	0	0
Total	**81 (100%)**	**2 (67%)**	**1 (33%)**	**1 (50%)**	**1 (50%)**	**4 (67%)**	**2 (33%)**	**1 (100%)**

36. Despite recurring recommendations to Israel to cease maintaining and expanding settlements and to address their human rights impact, the construction of settlements continues: in March 2017, Israel approved the establishment of a new settlement and declared some 240 acres as "State land" inside the Occupied Palestinian Territory and issued tenders for approximately 2,000 housing units.[57] By the end of 2014, there were approximately 570,700 Israeli settlers, including 200,000 in East Jerusalem.[58]

37. The planning and zoning regime is the main strategy used by Israel to prevent Palestinians from building in the West Bank, including East Jerusalem. Several recommendations focus on discriminatory policies and practices that make it "almost impossible for Palestinians to obtain building permits in the vast majority of Area C and East Jerusalem".[59] In 2016, Israeli authorities demolished or seized 1,093 Palestinian-owned structures, displacing over 1,600 Palestinians and affecting the livelihoods of more than 7,000 others — the highest figures since OCHA started documenting them in 2009.[60] The United Nations has documented that hundreds of families remain at risk of forcible transfer, linked to demolitions and settlement expansion.[61]

38. Physically detached from the West Bank, East Jerusalem has ceased to be the economic and social centre for the Occupied Palestinian Territory due to the wall and the presence and expansion of 12 Israeli settlements.[62] Israeli settlers are appropriating properties in Palestinian neighbourhoods through ownership claims and the Absentees' Property Law,[63] restricting public space, residential growth and freedom of movement.[64]

[57] Briefing to the Security Council given on 20 April 2017 by the Special Coordinator for the Middle East Peace Process.

[58] See A/HRC/31/43, para. 9.

[59] See www.ochaopt.org/content/33-structures-demolished-past-three-days-multiple-incidents.

[60] See www.ochaopt.org/content/record-number-demolitions-and-displacements-west-bank-during-2016.

[61] See A/71/355.

[62] See A/71/554.

[63] See https://unispal.un.org/DPA/DPR/unispal.nsf/0/E0B7148F92C3B49885256F9A005AB90A and www.nevo.co.il/law_html/Law01/313_001.htm.

[64] See www.ochaopt.org/content/east-jerusalem-palestinians-risk-eviction.

39. In December 2016, Security Council resolution 2334 (2016) explicitly condemned "measures aimed at altering the demographic composition, character and status of the Palestinian Territory … including … construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians" and stated that the "establishment by Israel of settlements in the Palestinian territory occupied since 1967, including East Jerusalem, has no legal validity and constitutes a flagrant violation under international law and a major obstacle to the achievement of the two-State solution and a just, lasting and comprehensive peace". The Security Council stressed that "the cessation of all Israeli settlement activities is essential for salvaging the two-State solution".

40. Eleven recommendations concern businesses, civil society and Member States, and call for investigations of the activities of companies and financial institutions profiting from Israeli settlements, and for such practices to be ended and for reparation to be provided to Palestinians affected.

E. Freedom of movement

41. The reports contain 79 recommendations on freedom of movement, constituting 9 per cent of all the recommendations.

Table 7
Implementation of recommendations related to freedom of movement

	Israel			*Gaza authorities*	*Human Rights Council*
	Partially implemented	*Not implemented*	*Insufficient information*	*Not implemented*	*Not implemented*
Blockade	0	28	0	0	1
Wall	0	5	0	0	0
Freedom of movement between Gaza and West Bank	1	19	0	0	0
Restrictions impacting on humanitarian aid	0	14 (2)	0	2 (2)	0
Restrictions impacting on economic development	0	5	0	0	0
Enforcement of access restrictions	0	4	0	0	0
Residency rights	0	1	1	0	0
Total	**1 (1%)**	**76 (97%)**	**1 (1%)**	**2 (100%)**	**1 (100%)**

42. Israel has failed to dismantle the wall and has pursued construction in the Occupied Palestinian Territory in breach of its international law obligations.[65] Eighty-five per cent of the planned route of the wall of over 700 kilometres runs within the West Bank.[66] The International Court of Justice found that "the wall's sinuous route has been traced in such a

[65] *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports (2004)*, p. 136; and www.ochaopt.org/content/2015-overview-movement-and-access-restrictions.

[66] See A/71/86-E/2016/13, para. 63, available from www.un.org/ga/search/view_doc.asp?symbol=A/71/86&Lang=E&Area=UNDOC.

way as to include within that area the great majority of … settlements"[67] and stated that "the wall … and its associated regime gravely infringe a number of rights of Palestinians … and the infringements resulting from that route cannot be justified by military exigencies or by the requirements of national security or public order".[68] According to the United Nations Conference on Trade and Development, "at least 10 per cent of the most fertile land in the West Bank has been lost due to construction of the Separation Barrier".[69]

43. Further restrictions in the form of checkpoints, where violence frequently erupts,[70] permit requirements, and settlement infrastructure, have continued to negatively affect Palestinians' daily lives in the West Bank, including access within and into East Jerusalem.[71] The Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 described the situation as one where "the West Bank has been divided by Israel into an archipelago of small islands of densely populated areas disconnected from one another".[72]

44. Following the gaining of control in Gaza in 2007 by Hamas, Israel established a blockade[73] in breach of international humanitarian law.[74] This measure severely curtails freedom of movement of goods and people to and from Gaza,[75] and violates a broad spectrum of other human rights, including access to health, water and sanitation, work, housing, food and education.[76] While there are fluctuations in the extent of the restrictions, the blockade has remained firmly in place.[77] In his most recent report, the Secretary-General indicated that it may amount to collective punishment.[78] Massive needs for reconstruction of infrastructure, health facilities and housing stem from the destruction and injuries that have followed successive rounds of hostilities in Gaza, most recently in 2014.[79] While the 2016 report of the United Nations country team showed progress since 2014, it described long delays for approval of reconstruction materials due to Israel's dual-use list. The report also noted the negative impact of the Palestinian political divide on the humanitarian situation.

F. Other civil and political rights

45. Fifty-eight recommendations, 6 per cent of the total, address issues related to other civil and political rights.

[67] *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, p. 183.
[68] Ibid., p. 193.
[69] See TD/B/63/3, para. 42 (f).
[70] See, for example, A/70/836-S/2016/360, available from www.un.org/ga/search/view_doc.asp?symbol=A/70/836&Lang=E&Area=UNDOC, and www.unrwa.org/sites/default/files/content/resources/children_in_distress_briefing_note.pdf.
[71] See A/HRC/31/44, paras. 21 and 34.
[72] See A/71/554, paras. 41 and 49, and A/HRC/34/38, para. 29.
[73] See www.mfa.gov.il/mfa/pressroom/2007/pages/security%20cabinet%20declares%20gaza%20hostile%20territory%2019-sep-2007.aspx.
[74] See A/HRC/34/38, paras. 31-33.
[75] See A/HRC/31/73 and A/HRC/31/40.
[76] See www.ochaopt.org/content/gaza-strip-humanitarian-impact-blockade-november-2016.
[77] See www.ochaopt.org/sites/default/files/gaza_war_2_years_after_english.pdf, p. 11.
[78] See A/HRC/34/38, para. 31.
[79] See www.ochaopt.org/sites/default/files/gaza_war_2_years_after_english.pdf.

Table 8
Implementation of recommendations related to other civil and political rights

	Israel			*Palestinian authorities*		
	Partially implemented	*Not implemented*	*Insufficient information*	*Partially implemented*	*Not implemented*	*Insufficient information*
Freedom of expression, assembly and association	0	12	1	0	17	4
Freedom of thought, conscience and religion	2 (1)	8 (1)	0	1 (1)	1 (1)	0
Right to protection of family	0	10	2	0	0	0
Palestinian political unity	0	0	0	0	2	0
Total	**1 (3%)**	**29 (88%)**	**3 (9%)**	**1 (8%)**	**9 (69%)**	**3 (23%)**

46. Over 25 per cent of the recommendations urge Palestinian authorities to ensure that civil society organizations, human rights defenders and local and foreign journalists can perform their work in a safe and free environment, without intimidation, harassment or interference. The recommendations also call on Israel to cease actions that limit criticism by journalists, other individuals and civil society organizations, both Israeli and Palestinian. The latest report by OHCHR shows that "significant concerns remain regarding violations and abuses by all duty bearers of the rights to freedom of expression, peaceful assembly and association. Israeli and Palestinian authorities impose restrictions and subject both Israeli and Palestinian human rights defenders focusing on the Occupied Palestinian Territory to pressure and harassment."[80]

47. The recommendations related to the right to freedom of thought, conscience and religion refer to the right of Palestinians to participate in religious life without restrictions and call on Israel to facilitate access to places of worship and ensure their protection without discrimination. Israeli and Palestinian authorities are called upon to discontinue the indication of religious affiliation on identity cards. The Israeli and West Bank authorities have complied with this recommendation but the Gaza authorities have not. Some recommendations have also called on all parties to legally bind themselves to protect religious minorities, in the framework of a possible peace agreement. Limitations on access to religious sites, including the Al-Aqsa Mosque in East Jerusalem,[81] have remained of concern.[82]

G. Economic, social and cultural rights

48. The reports contain 63 recommendations (7 per cent of the total) related to economic, social and cultural rights.

[80] See A/HRC/34/38, para. 69.
[81] See also the United Nations Educational, Scientific and Cultural Organization (UNESCO) 200 EX/Decisions (200 EX/25), of 2016.
[82] See A/71/355, para. 29.

Table 9
Implementation of recommendations related to economic, social and cultural rights

	Israel			*Palestinian authorities*			*International community*		
	Partially implemented	*Not implemented*	*Insufficient information*	*Partially implemented*	*Not implemented*	*Insufficient information*	*Partially implemented*	*Not implemented*	*Insufficient information*
Right to health	0	11	2	0	1	0	1	1	0
Right to education	1	12	3	0	2	0	0	0	0
Right to water	1	5	0	1	0	0	0	0	0
Right to adequate standard of living, food, clothing, housing	(1)	6 (1)	2	2 (1)	1	0	0	0	0
Right to development	0	2	2	0	0	2	0	0	1
Total	**3 (6%)**	**37 (76%)**	**9 (18%)**	**4 (40%)**	**4 (40%)**	**2 (20%)**	**2 (67%)**	**1 (33%)**	**3 (33%)**

49. Almost one third of the recommendations address the right to health, including the physical and psychological recovery of persons affected by violence. Many recommendations call on Israel to promptly grant permissions for patients with medical referrals for treatment outside Gaza, and to ensure unimpeded access for medical personnel so that assistance is promptly provided to individuals wounded by Israeli security forces. The World Health Organization has noted that only 41.7 per cent of patients obtained permits in December 2016 — the lowest approval rate since 2009.[83] The Secretary-General has raised concern over reports of arbitrary deprivation of life as a result of Israel's practice of preventing Palestinian first responders from treating wounded Palestinians suspected of attacks,[84] which violates international standards prohibiting the obstruction of prompt medical assistance.

50. Another third of the recommendations address access to education, and call for the protection of children from harassment, intimidation and violence by Israeli settlers on the way to and from school, which are still ongoing.[85] Recommendations also urge parties to protect schools from attacks, and to ensure they are not used as military bases or as detention, storage or recruitment centres. Recommendations also call for more classrooms in East Jerusalem and Gaza.

51. The 2016 Humanitarian Response Plan indicated that access to education was impeded by checkpoints, the wall, military and armed group activities, settler-related incidents and lack of infrastructure.[86] The Secretary-General reported on attacks on schools and protected education personnel in the West Bank during military-led operations[87] and on the storage of weapons in three United Nations Relief and Works Agency for Palestine

[83] See www.emro.who.int/images/stories/palestine/WHO_monthly_Gaza_access_report-Dec_2016-Final.pdf?ua=1.

[84] See A/71/364, para. 11.

[85] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20565&LangID=E.

[86] See https://www.ochaopt.org/documents/2016_hrp_22_january%202016.pdf, p. 29.

[87] See A/70/836-S/2016/360, para. 76, available from www.un.org/ga/search/view_doc.asp?symbol=A/70/836&Lang=E&Area=UNDOC.

Refugees in the Near East (UNRWA) schools by Palestinian armed groups and the 21 instances of use of school premises by Israeli security forces.[88]

52. Some recommendations urge Israel to facilitate the entrance into Gaza of all material and equipment necessary for the construction and repair of water and sanitation facilities, and to ensure that all residents of the West Bank have equal access to water, in accordance with World Health Organization quality and quantity standards. In 2016, Israel designated over 70 per cent of the materials needed for water, sanitation and hygiene projects as dual-use items, placing at least 30 water and wastewater projects in Gaza at risk of cancellation.[89] Israel's discriminatory allocation of water also results in unequal water consumption in the West Bank: Palestinian consumption is limited to 40 litres per capita per day, while Israeli settlers use 183 litres.[90] The 2016 Humanitarian Response Plan indicated that 732,000 people lacked access to safe drinking water in the Occupied Palestinian Territory.

V. Patterns of cooperation, compliance and implementation

Cooperation

53. In March 2012, the Government of Israel suspended relations with the Human Rights Council and OHCHR. In October 2013, Israel renewed contacts with both bodies with a view to re-establishing full relations.[91] During the suspension, OHCHR continued working in the Occupied Palestinian Territory.

54. Two special rapporteurs with thematic mandates conducted official visits to Israel and the Occupied Palestinian Territory between 2009 and 2012.[92] Thereafter, no mission took place until the Special Rapporteur on violence against women, its causes and consequences visited in September 2016.[93] The Special Rapporteur remarked upon the "excellent cooperation" that she had received from Israel and the State of Palestine. The State of Palestine issued a standing invitation to all special procedure mandate holders in 2014. Israel has not issued a standing invitation.

55. In the past, Israel cooperated with the mandate of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.[94] However since 2008, Israel has refused to cooperate with, and denied access to, three successive mandate holders, stating its objections to the Special Rapporteur's mandate[95] which it considers politically biased. The serving Special Rapporteur has unsuccessfully sought to meet with the Permanent Missions of Israel to the United Nations in Geneva and in New York. The Palestinian National Authority and, upon its establishment in 2012, the State of Palestine have continued to extend full cooperation to the mandate. Between 2006 and 2016, Israel responded to one third of the letters of allegation and urgent appeals sent by the Special Rapporteur.[96]

56. In his statement to the Human Rights Council in September 2016, the High Commissioner stressed that "human rights violations will not disappear if a government blocks access to international observers" and that "efforts to duck or refuse legitimate scrutiny" only raise obvious questions. Israel failed to cooperate with any of the fact-

[88] See A/69/926-S/2015/409, paras. 102 and 103, available from www.un.org/ga/search/view_doc.asp?symbol=A/69/926.

[89] See A/71/86-E/2016/13, para. 69, available from www.un.org/ga/search/view_doc.asp?symbol=A/71/86.

[90] Ibid., para. 71.

[91] See http://mfa.gov.il/MFA/InternatlOrgs/Speeches/Pages/Israel-UPR-UN-Human-Rights-Council-29-Oct-2013.aspx.

[92] See www.ohchr.org/EN/HRBodies/SP/Pages/CountryvisitsF-M.aspx.

[93] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20565&LangID=E; A/HRC/10/8/Add.2; A/HRC/20/17/Add.2; and A/HRC/22/46/Add.1.

[94] See A/69/301, section III.

[95] See Commission on Human Rights resolution 1993/2 and Human Rights Council resolution 5/1.

[96] See the special procedures database at https://spcommreports.ohchr.org/Tmsearch/TMDocuments.

finding missions or commissions of inquiry established by the Human Rights Council between 2009 and 2016. The Palestinian National Authority and, upon its establishment in 2012, the State of Palestine have cooperated fully with these mechanisms.

57. Israel regularly cooperates with human rights treaty bodies, providing reports and engaging in dialogue with the relevant committees. Israel does not include information related to the implementation of human rights treaties in the Occupied Palestinian Territory, claiming their non-applicability. In 2014, the State of Palestine acceded to seven core human rights treaties and one optional protocol,[97] and has requested technical assistance from OHCHR on reporting under those treaties. At the time of drafting, the State of Palestine had seven overdue reports, which were overdue by less than five years.[98] In 2016, OHCHR and the Independent Commission for Human Rights supported the organization of national consultations on the report to the Committee on the Elimination of Discrimination against Women, which was then submitted on 10 March 2017.

58. Thus, between 2009 and 2016, Israel only engaged selectively with the international human rights system. The Government of the State of Palestine has generally cooperated with the system, although it has reports outstanding to human rights treaty bodies.

Compliance and implementation

59. The International Court of Justice has ruled on the applicability of international humanitarian law and international human rights law in the Occupied Palestinian Territory.[99] Human rights treaty bodies consistently affirm that the human rights obligations of Israel extend to the Occupied Palestinian Territory,[100] and both the Secretary-General[101] and the High Commissioner[102] have regularly articulated the applicable legal framework.

60. The overall rate of "full implementation" by Israel is 0.4 per cent.[103] The lack of implementation correlates with Israel's continued rejection of the applicable legal framework and of its obligations in the Occupied Palestinian Territory. During its second universal periodic review, Israel provided an unofficial annex regarding recommendations pertaining to the West Bank[104] and Gaza, reiterating that it did not consider itself bound by human rights instruments beyond the borders of Israel. Formally, Israel did not support the majority of the recommendations referred to in the document.[105] While Israel denies the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) in the Occupied Palestinian Territory, it accepts its application de facto.[106]

61. The overall rate of "full implementation" by Palestinian duty bearers is 1.3 per cent.[107] By acceding to seven core human rights treaties, one protocol and the Geneva Conventions, all without reservations,[108] the State of Palestine has expressed its

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[97] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14556&.

[98] See http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx.

[99] *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, p. 136. Within the Advisory Opinion, see the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), at para. 101; of the Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (The Hague, 18 October 1907), at para. 124; and of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child, at paras. 106 and 111-113.

[100] See, for example, CRC/C/ISR/CO/2-4, para. 3; and CAT/C/ISR/CO/5, para. 8.

[101] See, for example, A/69/347, paras. 3-6.

[102] See A/HRC/12/37, paras. 5-9.

[103] Two recommendations fully implemented and 20 partially implemented, out of 550.

[104] The document did not reference East Jerusalem.

[105] See www.ohchr.org/EN/HRBodies/UPR/Pages/ILIndex.aspx.

[106] See A/ES-10/248, annex I, para. 3; and www.icrc.org/eng/assets/files/review/2013/irrc-888-maurer.pdf, p. 1506.

[107] One recommendation fully implemented and 12 partially implemented, out of 75.

[108] See https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=PS&nv=4.

commitment to protecting human rights. While the occupation and the intra-Palestinian political divide present challenges to the fulfilment of the obligations of the State of Palestine, greater efforts are required to increase implementation by all Palestinian duty bearers.

62. The overall rate of "full implementation" by the United Nations and the international community is 17.9 per cent.[109] Since 1967, the international community has repeatedly reminded parties to the conflict of their obligations under international law. United Nations bodies have consistently reported on the persistent violations in the Occupied Palestinian Territory and identified their long-term impact and risks for Palestinians, Israelis and the whole region. Despite these incessant calls and the support provided to Palestinian and Israeli authorities in their peace efforts, not enough has been done by the international community to that effect. It was stressed in Security Council resolution 2334 (2016) that "the status quo is not sustainable" and that "significant steps … are urgently needed in order to (i) stabilize the situation and to reverse negative trends on the ground, which are steadily eroding the two-State solution and entrenching a one-State reality, and (ii) to create the conditions … for advancing the two-State solution through … negotiations and on the ground".

VI. Follow-up measures

63. The recommendations by human rights mechanisms and by the Secretary-General and the High Commissioner show a general consensus on the measures that parties must take in order to further compliance with international humanitarian law and international human rights law: the ending of practices that continue to violate international law (such as the blockade, the construction of the wall and the expansion of settlements), and ensuring accountability for past violations, including war crimes.

64. Given the non-implementation of most recommendations on accountability, both sides are urged to intensify efforts to investigate all allegations of violations of international human rights law and international humanitarian law, in line with international standards.

A. Israel

65. Israel bears primary responsibility for the implementation of recommendations addressed to it and is bound by international human rights law and international humanitarian law obligations, including the Fourth Geneva Convention, in the Occupied Palestinian Territory.[110]

66. OHCHR has published *National Mechanisms for Reporting and Follow-up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms*, on how a Government can enhance its institutions to better engage with international and regional human rights mechanisms. OHCHR continues to stand ready to support Israel to fulfil the recommendations addressed to it.

67. **The High Commissioner proposes that Israel make full use of OHCHR technical assistance to help with the implementation of the relevant recommendations, which includes the development of national mechanisms for reporting and following up on recommendations. The High Commissioner reminds Israel of its obligations under the international human rights instruments that it has ratified, and under the Geneva Conventions, to which it is a High Contracting Party, and calls on Israel to fully comply with them in the Occupied Palestinian Territory.**

68. The High Commissioner takes note of the preliminary examination launched by the Prosecutor of the International Criminal Court in January 2015 into the situation in Palestine to establish whether the Rome Statute criteria for opening an investigation are

[109] Ten recommendations fully implemented and 10 partially implemented, out of 56.

[110] *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, para. 101.

met.[111] The High Commissioner is encouraged by Israel's dialogue with the Office of the Prosecutor.[112]

69. **The High Commissioner notes the repeated failure to comply with the calls for accountability made by the entire human rights system and urges Israel to conduct prompt, impartial and independent investigations of all alleged violations of international human rights law and all allegations of international crimes. Furthermore, the High Commissioner calls upon Israel to ensure that all victims have access to remedies and reparation.**

B. State of Palestine

70. The State of Palestine is bound by international human rights and international humanitarian law instruments and bears primary responsibility for the implementation of recommendations addressed to it. The cooperation of the State of Palestine with the Office of the Prosecutor of the International Criminal Court is encouraging.

71. **The High Commissioner notes the State of Palestine's non-compliance with the calls for accountability and urges the State of Palestine to conduct prompt, impartial and independent investigations of all alleged violations of international human rights law and all allegations of international crimes. Furthermore, the High Commissioner calls upon the State of Palestine to ensure that all victims have access to remedies and reparation.**

72. The cooperation by the State of Palestine with the human rights system provides scope for enhanced engagement for the implementation of recommendations. The OHCHR practical guide on national mechanisms for reporting and follow-up provides concrete support on how to better engage with international and regional human rights mechanisms. OHCHR is encouraged that the State of Palestine is working towards the establishment of national mechanisms for reporting and follow-up and stands ready to support the State of Palestine to fulfil the recommendations addressed to it.

73. **The High Commissioner proposes that the State of Palestine make full use of the technical assistance available through OHCHR to help with the implementation of recommendations addressed to it, including the development of national mechanisms for reporting and following up on recommendations.**

C. The international community

74. In 2004, the International Court of Justice concluded that all States had the obligation "not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem"[113] and to ensure that any impediment to the right to self-determination of the Palestinian people was brought to an end. The Court also referred to the obligation of the High Contracting Parties to the Fourth Geneva Convention to ensure Israel's compliance with international humanitarian law. In 2009, several special procedure mandate holders[114] recalled the obligation of all States to cooperate "to bring to an end through lawful means" any serious breach of a peremptory norm of international law, and to ensure respect for international humanitarian law. In his 2017 report,[115] the Secretary-General recalls the illegality of

[111] This followed the lodging by the Government of the State of Palestine of a declaration under article 12 (3) of the Rome Statute accepting the jurisdiction of the International Criminal Court "over alleged crimes committed 'in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014'", and its accession to the Rome Statute in January 2015: see www.icc-cpi.int/palestine.

[112] See www.icc-cpi.int/iccdocs/otp/OTP-PE-rep-2015-Eng.pdf. See also https://www.icc-cpi.int/iccdocs/otp/161114-otp-rep-PE_ENG.pdf.

[113] *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, p. 200.

[114] See A/HRC/10/22, para. 105.

[115] See A/HRC/34/38.

settlements and the wall in the Occupied Palestinian Territory, and that measures that may amount to collective punishment, such as the blockade on Gaza, are contrary to international humanitarian law.

75. **The High Commissioner suggests the Human Rights Council consider recommending to the General Assembly that it make use of its powers under Article 96 (a) of the Charter of the United Nations in order to specify how all parties can fulfil their obligations in implementing the recommendations reviewed in the present report.**

76. The role of States and businesses in addressing the human rights impact of businesses in the Occupied Palestinian Territory has been the subject of increasing attention.[116] Under the Guiding Principles on Business and Human Rights, "business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved" (principle 11). In 2014, the Working Group on the issue of human rights and transnational corporations and other business enterprises stated in the context of Israeli settlements that "where an enterprise cannot effectively prevent or mitigate an adverse human rights impact ... it should consider whether its continued operation can be reconciled with its responsibility to respect human rights and act accordingly".[117] The Working Group also noted that: "States that are 'home State' of business enterprises operating in or connected with settlements in the OPT should engage with such enterprises at the earliest possible stage to provide advice and guidance, and should make clear the State's policy in regard to the settlements."[118]

77. **OHCHR stands ready to advise and support States, companies and relevant bodies of the United Nations on the implementation of the Guiding Principles on Business and Human Rights, including in the context of Human Rights Council resolution 31/36.**

78. In 2004, the International Court of Justice emphasized "the urgent necessity for the United Nations as a whole to redouble its efforts to bring the Israeli-Palestinian conflict, which continues to pose a threat to international peace and security, to a speedy conclusion".[119] However, successive rounds of hostilities, and ongoing violence and violations, including those linked to Israeli settlement expansion, show that the occupation and the conflict are deepening.

79. The Human Rights Up Front initiative[120] and action plan are aimed at strengthening the ability of the United Nations to prevent and respond to serious human rights violations and complex crises. Human Rights Up Front cuts across the three indivisible pillars of the United Nations: peace and security, development, and human rights. For the sustainable success of any negotiated political endeavour, it is imperative to bring the parties together in mutual recognition that respect for international human rights law and international humanitarian law must be at the forefront of peace efforts.

80. **The High Commissioner reiterates the calls to all States and to relevant United Nations bodies to take all measures necessary to ensure full respect of and compliance with the relevant resolutions of the Human Rights Council, the General Assembly and the Security Council, including Security Council resolution 2334 (2016).**

81. All stakeholders must recognize that compliance with international law is a sine qua non condition for peace. Reports analysed in the present review indicate that the general patterns of human rights violations and non-implementation of recommendations are not just symptoms of the conflict but further fuel the cycle of violence. To break this cycle, the root causes must be addressed: these include bringing the occupation to an end and addressing the security concerns of Israel. Creating the space for peace demands the

[116] See A/HRC/22/63 and A/HRC/34/39.
[117] See www.ohchr.org/Documents/Issues/Business/OPTStatement6June2014.pdf, p. 14.
[118] Ibid.
[119] *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, p. 200.
[120] See www.un.org/sg/en/content/ban-ki-moon/human-rights-front-initiative.

recognition that respect for human rights is the path out of the conflict. This requires the political will and commitment of all stakeholders.

Annex

List of reports included in the review[a]

Fact-finding missions and commissions of inquiry

Symbol	*Title of report*
A/HRC/12/48	Human rights situation in Palestine and other occupied Arab territories: report of the United Nations Fact-Finding Mission on the Gaza Conflict
A/HRC/22/63	Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem
A/HRC/29/52	Report of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1

Special procedure mandate holders

Symbol	*Title of report*
A/HRC/10/8/Add.2	Report of the Special Rapporteur on freedom of religion or belief, Asma Jahangir Addendum: mission to Israel and the occupied Palestinian territory
A/HRC/10/20	Human rights situation in Palestine and other occupied Arab territories: report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk
A/HRC/10/21	Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development: report of the Working Group on Arbitrary Detention
A/HRC/10/22	Human rights situation in Palestine and other occupied Arab territories: combined report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on violence against women, its causes and consequences, the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the right to food, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the right to education and the independent expert on the question of human rights and extreme poverty

[a] List includes reports 2009-2016 from which recommendations have been drawn or which are reflected in the review.

Symbol	*Title of report*
A/64/328	Situation of human rights in the Palestinian territories occupied since 1967
A/HRC/13/53/Rev.1	Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk
A/65/331	Situation of human rights in the Palestinian territories occupied since 1967
A/HRC/16/72	Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk
A/66/358	Situation of human rights in the Palestinian territories occupied since 1967
A/HRC/20/17/Add.2	Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue Addendum: mission to Israel and the occupied Palestinian territory
A/HRC/20/32	Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk
A/67/379	Situation of human rights in the Palestinian territories occupied since 1967
A/HRC/23/21	Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk
A/HRC/25/67	Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk
A/HRC/28/78	Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Makarim Wibisono
A/70/392	Situation of human rights in the Palestinian territories occupied since 1967
A/HRC/31/73	Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967
A/71/554	Situation of human rights in the Palestinian territories occupied since 1967

Reports by the Secretary-General

Symbol	*Title of report*
A/64/516	Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General
A/64/517	Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General
A/65/366	Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General
A/66/356	Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General

Symbol	*Title of report*
A/67/372	Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General
A/68/502	Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General
A/69/347	Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General
A/70/421	Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General
A/65/365	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: report of the Secretary-General
A/66/364	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: report of the Secretary-General
A/67/375	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: report of the Secretary-General
A/HRC/24/30	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General
A/68/513	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: report of the Secretary-General
A/HRC/25/38	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: report of the Secretary-General
A/69/348	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: report of the Secretary-General
A/70/351	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: report of the Secretary-General
A/HRC/28/44	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: report of the Secretary-General
A/HRC/28/45	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General
A/71/355	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: report of the Secretary-General
A/HRC/31/43	Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan: report of the Secretary-General
A/HRC/31/44	Human rights situation in the Occupied Palestinian Territory, including East Jerusalem: report by the Secretary-General

Symbol	Title of report
A/71/364	Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem: report of the Secretary-General

Reports by the United Nations High Commissioner for Human Rights

Symbol	Title of report
A/HRC/12/37	Human rights situation in Palestine and other occupied Arab territories: the grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza Strip: report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolution S-9/1
A/HRC/15/54	The grave violations of human rights in the Occupied Palestinian Territory, particularly due to the recent Israeli military attacks against the occupied Gaza strip: report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1
A/HRC/16/71	Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1
A/HRC/19/20	Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1
A/HRC/22/35	Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1
A/HRC/22/46/Add.1	Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Raquel Rolnik Addendum: mission to Israel and the Occupied Palestinian Territory
A/HRC/25/40	Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1
A/HRC/28/80	Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1
A/HRC/31/40	Report of the United Nations High Commissioner for Human Rights on the implementation of Human Rights Council resolutions S-9/1 and S-12/1

Reports by human rights treaty bodies

Symbol	*Title of report*
CAT/C/ISR/CO/4	Consideration of reports submitted by States parties under article 19 of the Convention: concluding observations of the Committee against Torture
CRC/C/OPAC/ISR/CO/1	Consideration of reports submitted by States parties under article 8 of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict: concluding observations: Israel
CCPR/C/ISR/CO/3	Consideration of reports submitted by States parties under article 40 of the Covenant: concluding observations of the Human Rights Committee: Israel
CEDAW/C/ISR/CO/5	Concluding observations of the Committee on the Elimination of Discrimination against Women: Israel
E/C.12/ISR/CO/3	Consideration of reports submitted by States parties under articles 16 and 17 of the Covenant: concluding observations of the Committee on Economic, Social and Cultural Rights: Israel
CERD/C/ISR/CO/14-16	Consideration of reports submitted by States parties under article 9 of the Convention: concluding observations of the Committee on the Elimination of Racial Discrimination: Israel
CRC/C/ISR/CO/2-4	Concluding observations on the second to fourth periodic reports of Israel, adopted by the Committee at its sixty-third session (27 May-14 June 2013)
CCPR/C/ISR/CO/4	Concluding observations on the fourth periodic report of Israel
CRC/C/OPSC/ISR/CO/1	Concluding observations on the report submitted by Israel under article12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
CAT/C/ISR/CO/5	Concluding observations on the fifth periodic report of Israel

Universal periodic review

Symbol	*Title of report*
A/HRC/10/76	Report of the Working Group on the Universal Periodic Review: Israel
A/HRC/25/15	Report of the Working Group on the Universal Periodic Review: Israel

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Human rights situation in Palestine and other occupied Arab territories

Additional information pertaining to the comprehensive review on the status of recommendations addressed to all parties since 2009 with regard to the Occupied Palestinian Territory, including East Jerusalem*, **

Summary

The present document is an addendum to the report of the United Nations High Commissioner for Human Rights on "Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem: Comprehensive review on the status of recommendations addressed to all parties since 2009", submitted pursuant to Human Rights Council resolution 31/35. It describes the methodology applied to assess the implementation of these recommendations through the analysis of some examples.

* The information contained in this document should be read in conjunction with the report of the United Nations High Commissioner for Human Rights on 'Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem: Comprehensive review on the status of recommendations addressed to all parties since 2009' (A/HRC/35/19).

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I. Introduction

1. This addendum complements the report of the United Nations High Commissioner for Human Rights on "Ensuring accountability and justice for all violations of international law in the Occupied Palestinian Territory, including East Jerusalem: Comprehensive review on the status of recommendations addressed to all parties since 2009."[1] It includes recommendations made by the relevant bodies from 2009 up until the end of 2016.

2. As noted in the oral update of the High Commissioner to the Human Rights Council on 20 March 2017, this addendum aims to describe how the status of implementation of the recommendations was determined, through an analysis of selected key recommendations.

II. Assessment methodology

3. In line with the mandate provided by resolution 31/35, the assessment focused on the recommendations of the human rights mechanisms and Offices enumerated in paragraph eight of the report. Thus, technical and substantive reports by bodies not mentioned by the resolution (for instance the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories), or those not containing recommendations (such as the two Boards of Inquiry established by the United Nations Secretary-General following the escalation in hostilities in Gaza in 2009 and 2014) are not reflected in the review. They are nevertheless referenced as sources to determine the level of implementation of some recommendations.[2]

4. The recommendations under review mainly emanate from reports to the Human Rights Council. However, reports to the General Assembly by entities specified in paragraph eight of resolution 31/35 are included, such as the reports of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967. Similarly, as reports of the Secretary-General to the Human Rights Council typically stipulate that they are to be read in conjunction with reports to the General Assembly, they were also taken into consideration in the review as appropriate. This approach meets the requirement of comprehensiveness of the review stipulated by resolution 31/35.

5. The assessment of the implementation of each recommendation is based on the most recent information available up until the first quarter of 2017, drawn from United Nations reports, official domestic sources, documentation and publications by civil society and other credible sources. Furthermore, the Office of the United Nations High Commissioner for Human Rights (OHCHR) requested inputs from the Governments of Israel and Palestine, and made an open call online for submissions on measures taken by relevant duty-bearers towards accountability.[3]

6. As indicated in the report, the status of implementation of recommendations has been classified in five categories: "implemented", "partially implemented", "unimplemented", "closed or no longer applicable", and "insufficient information".[4] The status of implementation of each recommendation has been assessed individually, taking into account the actions (legal or operational) and their impact on the fulfilment of the relevant right. Due consideration was given as to whether a recommendation seeks fulfilment of structural measures, process actions, a particular outcome or end objective, or several or all of those elements.[5]

7. This addendum is composed of a series of illustrative examples which show the analytical process that has led to the determination of the status of implementation for each

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[1] A/HRC/35/19.

[2] See Annex of A/HRC/35/19 for a full list of reports included in the review.

[3] See www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session31/Pages/CallforSubmissionsHRC3135.aspx.

[4] The meaning of each category is explained in detail in paragraph 9 of the main report.

[5] See www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf pp. 33-38.

recommendation. One to two recommendations in each thematic area have been selected as primary examples. Each example includes a detailed description of the information taken into account when assessing implementation, as well as the reasoning for determining whether the recommendation was implemented, not implemented, or partially implemented. Each of these examples demonstrates the process that was undertaken for the assessment of all of the 773 recommendations.

III. Thematic areas

8. The review covered 929 recommendations,[6] out of which 773 were found to fall within the mandated scope of the report,[7] and which were grouped under seven thematic areas:

- accountability and access to justice
- international engagement
- arrest and detention
- settlements
- freedom of movement
- other civil and political rights, and
- economic, social and cultural rights.

9. The tables below provide an overview of the implementation of recommendations along those themes. Some recommendations relate both to the Occupied Palestinian Territory and to the territory of Israel and, in some instances, to the occupied Syrian Golan. In such cases, the analysis has been limited to their implementation in the Occupied Palestinian Territory.

Table 1
Analysis of recommendations by thematic area and implementation

	Implemented	*Partially implemented*	*Not implemented*	*Insufficient information*	*No longer relevant*	*Total*
Accountability and access to justice	3 (1%)	23 (9%)	217 (85%)	8 (3%)	2 (1%)	253
International engagement	11 (8%)	25 (19%)	71 (54%)	19 (14%)	6 (5%)	132
Right to liberty and treatment in detention	0	7 (7%)	98 (92%)	1 (1%)	0	106
Settlements	0	3 (3%)	87 (94%)	3 (3%)	0	93
Freedom of movement	0	1 (1%)	77 (97%)	1 (1%)	0	79
Other civil and political rights	0	1 (2%)	48 (86%)	7 (13%)	0	56
Economic, social and cultural rights	0	5 (9%)	39 (72%)	10 (19%)	0	54
Excluded						156
Total						929

[6] Universal Periodic Review recommendations are not included.

[7] The review is limited to recommendations applicable to the Occupied Palestinian Territory; 156 recommendations were therefore excluded.

Table 2
Analysis of implementation by party

	Implemented	*Partially implemented*	*Not implemented*	*Insufficient information*	*No longer relevant*	*Total*
Israel	2 (0.4%)	20 (3.6%)	499 (90.7%)	28 (5.1%)	1 (0.2%)	550 (100%)
Palestinian authority	1 (1.3%)	12 (16.0%)	55 (73.3%)	7 (9.3%)	0 (0.0%)	75 (100%)
United Nations and the International Community	10 (12.0%)	25 (30.1%)	36 (43.4%)	6 (7.2%)	6 (7.2%)	83 (100%)

A. Accountability and access to justice

10. Twenty-seven per cent of the recommendations (253) cover accountability and access to justice, the thematic area with a higher volume of recommendations. Recurrent issues addressed to both parties relate to compliance with international standards of investigation in the context of alleged violations of international human rights law and international humanitarian law; respect for principles of international humanitarian law and international human rights law during and outside of active hostilities; and access to justice, fair trial, due process and remedy. This subject also includes recommendations to Israel on excessive use of force, punitive demolitions and settler violence, and recommendations to Palestinian duty-bearers on attacks, so-called "honour-killings" and the death penalty, issues typically raised in conjunction with calls for justice. Two recommendations assessed below exemplify how recommendations in this category were assessed, including the type of information considered and rationale for the conclusions that were drawn.

Table 3
Overview of recommendations related to accountability and access to justice

	Number of recommendations	*Percentage in this thematic area*	*Percentage of all recommendations*
Accountability and investigations for violations of international humanitarian law and international human right law	154	57.5%	16.6%
Compliance with international humanitarian law and international human right law	97	36.2%	10.4%
Death penalty	4	1.5%	0.4%
Cooperation with international mechanisms	4	1.5%	0.4%
Other	9	3.4%	1.0%
Total	268		

11. In his 2013 report on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, the Secretary-General recommended that "The Government of Israel must take all necessary measures to ensure the accountability of its security forces. It should conduct investigations into all credible allegations of violations of international humanitarian law and human rights law. Investigations must be independent, transparent, impartial, thorough, prompt, and effective. Redress for victims must be ensured."[8] The various elements are analyzed below in sequence.

12. The recommendation requested Israel to take "all necessary measures to ensure the accountability". However, in August 2016, the Secretary-General noted how "Various independent committees of experts as well as international, Israeli and Palestinian human rights organizations have [...] extensively documented the flaws in Israel's accountability mechanisms in addressing the killing, injury, torture and ill-treatment and the destruction of

[8] A/68/502 para. 48.

Palestinian property."[9] He specifically cited the main issues, indicating that "Shortcomings in the Israeli justice system [...] include physical, financial, legal and procedural barriers that restrict the ability of Palestinians, particularly those living in Gaza, to access justice."[10]

13. Contrary to the request to conduct investigations into all credible allegations, the Secretary-General noted that "Significantly, findings suggest there to be a consistent failure by the Military Advocate-General [...] and the Attorney General to open investigations in all cases where prima facie evidence, including eye-witness testimony, medical reports or audio-visual materials indicate that actions by State agents were unlawful."[11]

14. Concerning independence and impartiality, both the 2014 Gaza Commission of Inquiry[12] and the 2010-11 Committee of Experts[13] noted that "a central failing of the investigation system stems from the dual responsibilities of the MAG, both as the legal advisor to the Chief of General Staff and other military authorities and as the supervisor of disciplinary law and of criminal investigations in the military."[14] These bodies also recognized that the civilian judicial oversight by the Attorney General and the Supreme Court over decisions of the Military Advocate-General was a safeguard to preserve independence.[15] In practice, however, the Commission of Inquiry found that the High Court generally shied away from intervening in policies set by the Military Advocate-General and had "rarely overturned a decision by the Military Advocate-General."[16] In 2016, the Secretary-General similarly reported to the General Assembly that "/.../ the oversight is limited and often fails to review the legality of the policies themselves or the orders issued at the highest levels."[17] The Committee of Experts found that the Military Advocate-General was not an appropriate mechanism for the review of policy decisions.

15. The following paragraphs provide examples of the assessments carried out to determine whether investigations are "independent, transparent, impartial, thorough, prompt, and effective" as requested by the recommendation

16. The judicial process and conviction by a military tribunal of Sergeant El-Or Azaria was subject to political pressure. He was convicted for the manslaughter of Abdel Fattah al-Sharif – a Palestinian who was incapacitated after being shot for allegedly stabbing an Israeli soldier. His killing was documented in a video circulated by B'Tselem. Media coverage, replete with high-level political figures commenting on the case, illustrated the pressure on the justice system. Prime Minister Benjamin Netanyahu, who reportedly indicated his support for the soldier to be pardoned, declared: "We have one army which is the foundation of our existence. The IDF soldiers are the sons and daughters of all of us, and they must remain above all disagreements."[18] Following the many high-level political statements supporting Sergeant Azaria, the Minister of Defence called "all ministers to show restraint", warning that "slogans" were "self-serving, and not for the benefit of Azaria."[19]

17. Regarding transparency, the five updates published about preliminary examinations by the Israeli Fact-finding Assessment Mechanism and investigations are encouraging but insufficient. As observed by the 2014 Gaza Commission of Inquiry: "Information currently made available is welcome, but is insufficient to allow for effective public and international scrutiny."[20] The The Commission further underscored the requirement of transparency,

[9] A/71/364 para. 39.
[10] A/71/364 para. 40.
[11] A/71/364 para. 40.
[12] A/HRC/RES/S-21/1.
[13] A/HRC/RES/13/9.
[14] A/HRC/29/CRP.4 para. 619.
[15] A/HRC/29/CRP.4 para. 622, A/HRC/16/14 para. 41.
[16] A/HRC/29/CRP.4 para. 623.
[17] A/71/364, para. 50.
[18] E.g. www.jpost.com/Israel-News/Politics-And-Diplomacy/Netanyahu-calls-to-pardon-Elor-Azaria-after-Hebron-manslaughter-conviction-477459, www.theguardian.com/world/2017/jan/04/israeli-soldier-guilty-manslaughter-shooting-palestinian-elor-azaria-abdel-fattah-al-sharif.
[19] See www.timesofisrael.com/liberman-ministers-should-keep-quiet-about-azaria-pardon/
[20] A/HRC/29/CRP.4, para. 629.

indicating that "while there may be limitations on publishing certain types of information, a minimum level of transparency is required from the point of view of assisting victims' quest for the truth and their right to effective remedies."[21]

18. With regard to promptness of investigations, in 2011 the Committee of Experts expressed serious concerns and noted that more than a third of the incidents reviewed relating to the 2008-2009 Gaza conflict remained unresolved or with an unclear status. In 2016, the situation had not improved: "Two years after the [2014] escalation of hostilities in Gaza, justice remains elusive. Less than nine per cent of referred incidents of alleged violations of international humanitarian law and international human rights law, including allegations of war crimes, have led to a criminal investigation…"[22]

19. As for thoroughness and effectiveness, Israel has outlined challenges in conducting investigations, particularly into acts committed by the IDF in the context of hostilities in Gaza. These include lack of ready access to the scene, destruction of evidence during hostilities, and lack of witness testimonies. According to Israel, "investigations can take significant time and even where an indication of criminal conduct exists, they can still fail to obtain evidence sufficient to warrant prosecution."[23]

20. The thoroughness and effectiveness of Israeli investigations of violations against Palestinians have been challenged by Israeli NGOs. Yesh Din found that "in practice soldiers enjoy near absolute impunity for offenses they commit against Palestinian residents of the West Bank."[24] B'Tselem made similar observations in 2016. The organization reviewed its work vis-à-vis the Military Advocate-General Corps and the Military Police Investigation Unit over the course of 25 years and decided to stop referring complaints to the military due to recurring failure to ensure accountability in cases in which soldiers had harmed Palestinians.[25] The Secretary-General observed that "a consistent failure by the Military Advocate-General… and the Attorney General to open investigations in all cases where prima facie evidence, including eye-witness testimony, medical reports or audiovisual materials indicate that actions by State agents were unlawful. When investigations are opened, they frequently fail to meet human rights standards, and only a small number of alleged perpetrators, mainly at the rank-and-file level, are brought to justice, facing mainly lenient indictments and sentence."[26]

21. Based on assessments like the examples provided above, the report concludes that not all necessary measures to ensure accountability for violations of international humanitarian and human rights law by Israeli security forces have been taken. On the whole, investigations have failed to meet international standards of independence, transparency, impartiality, thoroughness, promptness, and effectiveness. The analysis shows that investigations have not been opened in all cases of *prima facie* evidence of wrongdoing, and that redress is not ensured if access to justice by Palestinian victims is hampered. The recommendation is therefore assessed as "not implemented".

22. In his 2013 report on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, the Secretary-General recommended to the Gaza authorities and Palestinian armed groups that "Accountability must be ensured for violations of international humanitarian law and human rights law, in particular the killing of civilians, the indiscriminate firing of rockets towards Israel and summary executions, committed by the de facto authorities and armed groups in Gaza. Investigations must be independent, transparent, impartial, thorough, prompt, and effective. Redress for victims must be ensured."[27]

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[21] A/HRC/29/CRP.4, para. 217.
[22] A/HRC/34/36, para. 45.
[23] See http://mfa.gov.il/MFA/ForeignPolicy/IsraelGaza2014/Pages/2014-Gaza-Conflict-Factual-and-Legal-Aspects.aspx, para. 59.
[24] Yesh Din, Investigation Policy, 11 April 2016
[25] See *"The Occupation's Fig Leaf: Israel's Military Law Enforcement System as a Whitewash Mechanism*, www.btselem.org/download/201605_occupations_fig_leaf_eng.pdf
[26] A/68/502 para. 40.
[27] A/68/502 para. 52.

23. The recommendation specifically mentions the indiscriminate firing of rockets and summary executions as violations of international humanitarian law and international human rights law that should be investigated. Even though the recommendation requires accountability and redress for those violations and does not explicitly call for a halt to their occurrence, it is relevant to note that both types of violations have continued to take place: indiscriminate firing of rockets by armed groups continues to be reported, the latest (without casualties) in January and February 2017,[28] and instances of killing of suspected collaborators by Hamas were documented during the 2014 escalation of hostilities.

24. Regarding investigations into such violations, in his 2013 report on Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, the Secretary-General noted that "In respect of the de facto authorities in Gaza, it appears that more than seven months after the end of the escalation in hostilities, no measures have been taken to investigate credible allegations of violations of international law committed by the de facto authorities or armed groups in Gaza, or to provide an effective remedy to victims of the hostilities of November 2012."[29] This situation does not appear to have changed, as noted by the High Commissioner for Human Rights in his report to the Human Rights Council presented in March 2017: "impunity is […] a major concern with regard to actions by Palestinian authorities […] in Gaza. In Gaza, there is little information available about any investigation at all into violations of international law."[30]

25. In this regard, the Report of the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 is pertinent. It noted the little information available regarding steps taken by the State of Palestine and the authorities in Gaza "to conduct investigations into alleged serious violations of international *humanitarian* and gross violations of international human rights law."[31] In July 2016, Amnesty International reported that "in May 2015, the Hamas authorities denied involvement in the summary killings of Palestinians documented by Amnesty International, but said the Attorney General and Ministry of Interior in Gaza were investigating and would publish their findings." Amnesty International also reported that the Gaza authorities "have not released further information and their investigations are not independent, as the judiciary and Ministry of Interior in Gaza are directed and staffed by Hamas members, some of them closely linked to Hamas' military wing. There are no indications that they are investigating the rocket and mortar attacks which killed Israeli and Palestinian civilians."[32]

26. Given the apparent absence of any investigations, the second element of the recommendation, requiring redress for victims, also remains unimplemented.

27. Based on the above, the recommendation is therefore assessed as "not implemented".

B. International engagement

28. The review identified 141 recommendations pertaining to international engagement (15 per cent of the total), some of which call for cooperation of all parties with international human rights mechanisms, and some for the implementation of and compliance with international law in general. The following table provides an overview of the distribution of the issues covered by these recommendations and the percentage within this review.

[28] See www.haaretz.com/israel-news/1.766915.

[29] A/68/502 para. 33.

[30] A/HRC/34/36, para. 79.

[31] A/HRC/29/CRP.4 para. 653.

[32] See www.amnesty.org/en/documents/mde15/4190/2016/en/.

Table 4

Overview of recommendations related to international engagement

	Number of recommendations	Percentage in this thematic area	Percentage of all recommendations
General implementation of international standards, recommendations	83	49.1%	7.0%
Cooperation with international mechanisms	10	7.1%	1.1%
Actions conducive to peace	37	26.2%	4.0%
Other	29	20.6%	3.1%
Total	141		

29. An illustrative example in this thematic area is the analysis of a recommendation addressed to the international community. In 2009, the report presented by multiple mandate holders to the Human Rights Council, submitted pursuant to resolution S-9/1 on the Occupied Palestinian Territory, recommended that: "The international community should actively promote the implementation of the decisions, resolutions and recommendations of the Security Council, the International Court of Justice and the United Nations human rights mechanisms, including treaty bodies and special procedures. In this respect, the mandate-holders recall the obligation of States to cooperate to bring to an end through lawful means to any serious breach of an obligation arising from a peremptory norm of general international law. They also recall the obligation of all States to ensure respect for the provisions of international humanitarian law."[32]

30. Since 2009, several bodies of the United Nations system have regularly reminded, encouraged, and prompted all parties to cease violations and abide by their obligations under international human rights law and international humanitarian law. Notably, the Secretary-General, in his latest report on the human rights situation in the Occupied Palestinian Territory, including East Jerusalem, noted that "[c]hronic violations of international human rights law and international humanitarian law by all parties have persisted,"[33] and stated that "All parties must respect international law and comply with their obligations or responsibilities under international human rights law."[34] In December 2016, the Security Council reiterated the call on "both parties to act on the basis of international law, including international humanitarian law [...]."[35]

31. Member States have actively engaged with Israel and the State of Palestine to promote the implementation of the recommendation and to seek a resolution to the conflict. The most recent efforts included the peace negotiations between Israel and Palestine, facilitated by the United States, which began in July 2013 and collapsed in April 2014, as well as the French-sponsored Conference for peace in the Middle East that took place in Paris on 15 January 2017.

32. The international community has actively promoted the implementation of decisions, resolutions and recommendations of the United Nations, and there have been attempts by states to cooperate. This has not had the effect of ending grave violations of international law by parties to the conflict. As a result, this particular recommendation has been assessed as "partially implemented".

33. A second illustrative analysis relates to a recommendation addressed to both Israel and the State of Palestine and is examined individually for each duty-bearer. In 2014, the detailed findings of the independent commission of inquiry established pursuant to Human Rights Council resolution S-21/1 called "upon Israelis and Palestinians to demonstrate political leadership by both refraining from and taking active steps to prevent statements

[32] A/HRC/10/22/105 para 105, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/135/43/PDF/G0913543.pdf?OpenElement

[33] A/HRC/34/38, para. 72.

[34] A/HRC/34/38, para. 76.

[35] S/RES/2334(2016).

that dehumanize the other side, incite hatred, and only serve to perpetuate a culture of violence.[37] This recommendation requires demonstrated political leadership in two ways: a) abstaining from making statements that incite to hate and dehumanize the other side; and b) taking action that prevents such statements.

18. In relation to Israel, statements such as those described in the recommendation were made throughout the period covered by this review and increased during times of escalation of violence and hostilities. In November 2014, the Internal Security Minister, Yitzhak Aharonovitch, following an incident in which a Palestinian man rammed a vehicle into pedestrians at a light rail stop in Jerusalem, stated: "A terrorist who attacks civilians deserves to be killed."[38] Derogatory statements were made by Naftali Bennet, then Minister of Economy, and Ayelet Shaked, the current minister of Justice.[39] In line with the recommendation's requirement to take active steps to prevent dehumanization, in July 2015, Prime Minister Netanyahu condemned an arson attack in Douma, in which Israeli settlers killed three Palestinians and gravely injured a five-year-old boy, calling it a "horrific, heinous terrorist act."[40] However, in February 2016, when announcing the plan to surround Israel with fences, the Prime Minister said: "In our neighbourhood, we need to protect ourselves from wild beasts,"[41] which clearly dehumanized Palestinians and could incite hatred and violence. While the representatives of some organizations[42] and the authors of the book Torat Hamelech were arrested for incitement,[43] these actions did not result in any indictment. When assessing the above as a whole, despite some positive statements, the balance of the actions are not adequate to qualify as refraining from and taking active steps to prevent statements that dehumanize and incite violence. There is no evidence of systematic condemnation of statements made that would incite violence, and as well no indictments have followed the few arrests made on these grounds. This recommendation is considered "not implemented".

19. Several reports have documented the Palestinian authorities' persistent use of statements like those described in the recommendation. In its report of June 2016, the Middle East Quartet noted that "Palestinians who commit terrorist attacks are often glorified publicly as 'heroic martyrs.'"[44] It further noted that "Hamas and other radical factions [...] use media outlets to glorify terrorism and openly call for violence against Jews, including instructing viewers on how to carry out stabbings."[45] For instance, in a statement issued in February 2017, Moshir El Masry, a member of the legislative committee of Hamas' bureau, urged all imprisoned Palestinians to "initiate a stabbing intifada behind bars targeting Israeli soldiers."[46] The Middle East Quartet also noted that "Some members of Fatah have publicly supported attacks and their perpetrators, as well as encouraged violent confrontation."[47] The Quarter also observed that although the Palestinian Authority leadership had "made statements expressing opposition to violence against civilians, [...] regrettably, [...] Palestinian leaders have not consistently and clearly condemned specific terrorist attacks."[48] No actions have been documented indicating efforts

[37] A/HRC/34/38/Rev.1, para. 678.

[38] See www.timesofisrael.com/internal-security-minister-calls-for-demolishing-terrorists-homes/.

[39] See www.jpost.com/Diplomacy-and-Politics/Bennett-under-fire-for-comments-about-killing-Arabs-321687; www.telegraph.co.uk/news/worldnews/middleeast/israel/11599012/New-Israeli-justice-minister-notorious-for-anti-Palestinian-rhetoric-given-bodyguard-after-Nazi-death-threats.html.

[40] See www.timesofisrael.com/netanyahu-condemns-terrible-heinous-terror-attack-on-palestinians/.

[41] See www.theguardian.com/world/2016/feb/10/israel-plans-fence-around-coast-to-protect-it-from-wild-beasts.

[42] See www.haaretz.com/israel-news/.premium-1.632270.

[43] See www.jpost.com/Israel-News/High-Court-No-basis-to-indict-Torat-Hamelech-authors-for-incitement-436705.

[44] See www.un.org/News/dh/infocus/middle_east/Report-of-the-Middle-East-Quartet.pdf.

[45] *Ibid.*

[46] See www.mekomit.net/news/101194-الحاق-الخبر-المخصصة-للعمل-ت-م-حماس/.

[47] *Ibid.*

[48] *Ibid.*

to prevent such statements. The recommendation is therefore considered as "not implemented".

86. In December 2016, the Security Council called on both parties to "refrain from provocative actions, incitement and inflammatory rhetoric, with the aim, inter alia, of de-escalating the situation on the ground, rebuilding trust and confidence, […] and creating the conditions necessary for promoting peace."[49] Based on this as well as the above paragraphs, the overall recommendation has therefore been assessed as "not implemented" by any of the parties.

C. Arrest and detention

87. The review identified 106 recommendations that concern arrest and detention (11 per cent of the total number of recommendations). Two recommendations have been selected as illustrative examples of recommendations in this category, discussed in detail below. The following table provides an overview of the distribution of the issues covered by these recommendations and the percentage within this review.

Table 9

Overview of recommendations related to conditions of detention

	Number of recommendations	Percentage in the thematic area	Percentage of all recommendations
Treatment of children	52	49.1%	5.4%
Treatment of adults	27	25.5%	2.7%
Administrative detention	15	14.2%	1.6%
Judicial guarantees	12	11.3%	1.3%
Total	106		

88. In June 2016, following the review of the report submitted by Israel, the Committee against Torture, "Recalling its previous recommendation (CAT/C/ISR/CO/4, para. 28) […] call[ed] upon the State party to redouble its efforts with a view to: (a) Ensuring that the deprivation of liberty of minors, irrespective of the charges brought against them, is a last resort, limited to the shortest possible period, and that it is reviewed daily with a view to eliminating it."[50]

89. Regarding the first part of the recommendation, the Secretary-General noted in May 2016 that the large number of arrests of Palestinian children by Israel seemed incompatible with its use as a last resort.[51] According to official data provided to Israeli NGOs by the Israeli Prison Service, at the end of August 2016, 319 Palestinian minors were being held in Israeli prisons, 89 of whom were in administrative detention. Out of the 319 minors, 168 were being held in pre-trial detention until the conclusion of the judicial proceedings. Israel has since stopped providing such data to civil society organizations despite requests sent based on the 1998 Freedom of Information Law.[52] According to UNICEF data, the arrest of Palestinian children has continued to increase,[53] as has the use of administrative detention.[54]

90. As Israeli authorities have continued to detain children as a regular practice, this element of the recommendation is assessed as "not implemented".

91. The second part of the recommendation requires that Israel ensure that child detention undergoes judicial review on a daily basis with a view to eliminating it. Military Order 1711 (which came into force in April 2013 and reduced the maximum period of

[49] S/RES/2334(2016).
[50] CAT/C/ISR/CO/5, para. 19.
[51] A/71/86, para. 24.
[52] See www.militarycourtwatch.org/page.php?id=1Y1Bh3pvc6a190220AwFbv7lxv2.
[53] A/HRC/34/36, para. 25.
[54] A/HRC/34/36, para. 26.

detention without judicial review for children between 12 and 15 years old but did not modify the period for children aged between 16 and 17 years old) still allows for the detention of Palestinian children for several days before their presentation to a military court judge: 24 hours for children aged 12-13 (plus additional 24 hours for urgent investigations), 48 hours for children aged 14 -15 (plus an additional 48 hours for urgent investigations) and 96 hours for children aged 16-17 years old (as for adults).[55] Therefore, this part of the recommendation, and taken together with the above information – the recommendation as a whole – is assessed as "not implemented".

42. In March 2015, the High Commissioner recommended that authorities in Gaza "take all the necessary measures to ensure that the rights of persons deprived of liberty are respected, including by ensuring effective, independent, impartial, thorough and transparent investigations into allegations of torture and ill-treatment, and to ensure that perpetrators are brought to justice and that victims have access to an effective remedy."[56]

43. Civil society organizations and the United Nations have continued to document cases of torture by Gaza authorities.[57] In January 2016, the High Commissioner, based on information collected by OHCHR in Gaza, noted violations of due process, as well as torture and ill-treatment during interrogation, and arbitrary arrests, mostly by local police forces, but also corrections officers and members of the internal security apparatus. Some arbitrary arrests have led to prolonged incommunicado detention. OHCHR also received allegations of excessive use of force upon arrest, denial of the right to remain silent, and to have legal representation and contact with family. Political opponents of Hamas, journalists and human rights defenders are often among the victims.[58]

44. Authorities in Gaza have failed to implement the recommendation of the High Commissioner to conduct "effective, independent, impartial, thorough and transparent investigations" of allegations of torture and ill-treatment. In 2012, Human Rights Watch raised concerns of Hamas' failure to "investigate and prosecute abusive security officials" suspected of torture.[59] It documented the case of Mr. Mahmoud Eshtewi, a member of the military wing of Hamas, who was allegedly killed in custody in 2016 after being repeatedly subjected to torture during interrogations. Authorities refused to provide any information on the case to Human Rights Watch, and the family's request for an autopsy was rejected.[60]

45. The 2016-2017 report of Amnesty International on the human rights situation in the State of Palestine[61] stated that "[t]orture and other ill-treatment of detainees remained common and was committed with impunity by Palestinian police and other security forces in the West Bank, and Hamas police and other security forces in Gaza". According to the report, authorities in the West Bank and in Gaza failed to investigate torture allegations and to hold perpetrators accountable. The recommendation is therefore assessed as "not implemented".

D. Settlements

46. The review identified 93 recommendations related to Israeli settlements in the West Bank, including East Jerusalem. Most (81) were addressed to Israel, none of which has been implemented. The following table provides an overview of the distribution of the issues covered by these recommendations and the percentage within this review.

[55] See www.unicef.org/oPt/Children_in_Israeli_Military_Detention_-_Observations_and_Recommendations_-_Bulletin_No._2_-_February_2015.pdf, p.1.
[56] A/HRC/28/80, para. 72.b.
[57] See www.hrw.org/news/2016/02/15/palestine-torture-death-hamas-detainee.
[58] A/HRC/31/40, paras. 69-78.
[59] See www.hrw.org/news/2012/10/03/gaza-arbitrary-arrests-torture-unfair-trials.
[60] See www.hrw.org/news/2016/02/15/palestine-torture-death-hamas-detainee.
[61] See www.amnesty.org/en/countries/middle-east-and-north-africa/palestine-state-of/report-palestine-state-of/.

Table 6
Overview of recommendations related to settlements

	Number of recommendations	*Percentage in this thematic area*	*Percentage of all recommendations*
Settlement expansion	20	21.9%	2.2%
Zoning and building permits	18	19.4%	1.9%
Forced transfer	20	21.9%	2.2%
Demolitions, displacement	16	17.2%	1.7%
Businesses engagement in settlements	15	16.1%	1.6%
National resources exploitation	1	1.1%	0.1%
Human rights violations linked to settlements	3	3.2%	0.3%
Total	93		

47. In January 2016, the Secretary-General made a recommendation that encompasses and combines multiple aspects related to the presence of settlements in the Occupied Palestinian Territory: "The Israeli authorities must halt and reverse the creation and expansion of settlements in the Occupied Palestinian Territory and in the occupied Syrian Golan.[62] In addition, Israel must immediately cease using land control mechanisms aimed at expanding the area effectively occupied by settlements, such as the designation of firing zones, archaeological parks and agricultural land. Israel must also immediately cease the exploitation of natural resources from these territories."[63] A range of evidence was considered when assessing the implementation of this broad recommendation. The below is illustrative of the information taken into account when assessing recommendations related to settlements more generally.

48. In January 2017, the Government of Israel announced the construction of over 6,000 housing units in existing settlements. On 6 February 2017, the Knesset passed the "Settlement Regularization Bill", retroactively legalizing Israeli settlements built on private Palestinian land. Furthermore, in March 2017, the Government announced the establishment of a new settlement in the West Bank - the first in over 20 years.

49. The recommendation calls for the cessation of land control mechanisms aimed at expanding the area occupied by settlements, including "firing zones", archaeological parks and agricultural land. In March 2016, Israel declared "state lands" over 200 hectares of land south of Jericho.[64] This process is a crucial part of Israel's strategy aimed at expanding the land under the control of settlers, including for agricultural use.[65] On 15 February 2017, the Israeli army demolished 43 Palestinian structures in Ein Ar Rashash, Ramallah governorate, located in an area designated by the Israeli military as a "firing zone".[66]

50. Finally, the recommendation includes the cessation of the exploitation of natural resources in the Occupied Palestinian Territory. A United Nations Conference on Trade and Development report of September 2016 noted that Israel was extracting water above the level determined in the Oslo II Accord, and had confiscated 82% of the groundwater in the Occupied Palestinian Territory for its use in Israel and in settlements, while Palestinians needed to import over half of the water they use.[67]

[62] The review of the implementation regarding the Occupied Syrian Golan is outside the scope of this report.
[63] A/HRC/31/43, para. 67.
[64] A/HRC/34/39, para. 17.
[65] A/HRC/31/43, para. 3.
[66] See www.ochaopt.org/content/palestinian-bedouin-community-almost-totally-demolished
[67] UNCTAD/APP/2016/1[a], para. 34.

51. Twenty of the 93 settlement-related recommendations call on Israel to cease the forced transfer and evictions in the Occupied Palestinian Territory, as well as actions that can lead to such situations. In November 2014 the United Nations Human Rights Committee recommended that Israel: "Desist from any actions that may facilitate or result in forcible transfer and forced evictions, particularly of the Bedouin communities in the central West Bank, including the eastern Jerusalem periphery, and forced displacement and dispossession of Bedouins residing in the Negev".[68]

52. In January 2016, the Secretary-General expressed concern that Israel continued planning the relocation of entire communities and demolitions of homes of Palestinian Bedouins and herder populations.[69] Israel has continued implementing policies resulting in the displacement of Palestinians, including Bedouin communities, in East Jerusalem. As documented by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), during the first two months of 2017, in East Jerusalem, Israel demolished 24 structures in 18 Bedouin communities in the area designated for the E1 settlement plan and the expansion of the Ma'ale Adumim settlement, causing the displacement of 133 people, half of whom were children.[70] Between 1 January and 6 April 2017, OCHA documented that Israeli authorities had demolished a biweekly average of 29 Palestinian-owned structures, causing the displacement of a biweekly average of 58 Palestinians.[71] Considering all of the above information next to the elements of the recommendation, the recommendation of the Secretary-General referred to above has been assessed as "not implemented".

E. Freedom of movement

53. Among the 79 recommendations related to the right to freedom of movement, 76 are addressed to Israel, two to all parties to the conflict and one to the Human Rights Council. Twenty-eight recommendations call for the blockade of Gaza to be lifted, to allow the free movement of people and goods in and out of Gaza, to facilitate reconstruction, and to address the humanitarian and human rights impact of blockade. The following table provides an overview of the distribution of the issues covered by these recommendations and the percentage within this review.

Table 7
Implementation of recommendations related to freedom of movement

	Number of recommendations	*Percentage on this thematic area*	*Percentage of all recommendations*
Blockade	29	36.7%	5.1%
Wall	5	6.3%	0.9%
Freedom of movement between Gaza and West Bank	20	25.3%	3.5%
Restrictions impacting humanitarian aid	14	17.7%	2.5%
Restrictions impacting economic development	5	6.3%	0.9%
Enforcement of access restrictions	4	5.1%	0.4%
Residency rights	2	2.5%	0.2%
Total	79		

[68] CCPR/C/ISR/CO/4, para. 9. The review of the implementation regarding the Negev desert falls outside the territorial scope of this report and will not be assessed.

[69] A/HRC/31/43, para. 44.

[70] See www.ochaopt.org/content/tightening-coercive-environment-bedouin-communities-around-ma-ale-adumim-settlement.

[71] See www.ochaopt.org/content/protection-civilians-report-21-march-3-april-2017.

54. A 2013 recommendation from the Committee on the Rights of the Child demonstrates the process and information used in considering implementation of recommendations in this category. The Committee recommended that Israel: "Cease the construction of the Wall in the Occupied Palestinian Territory and fully lift the Gaza blockade, and urgently allow entry of all construction materials necessary for Palestinian families to rebuild homes and civilian infrastructures so as to ensure respect for children's right to housing, education, health, water and sanitation as recommended notably by the Committee on the Elimination of Racial Discrimination (CERD/C/ISR/CO/14-16, para. 26) and in line with Israel's Manual on the Laws of War (1998) which prohibits the conduct of a scorched earth policy "with a view to inflicting starvation or suffering on the civilian population."[72]

55. In July 2014, OCHA reported that 62 per cent of the planned wall had been constructed, including 200 additional kilometres since the Advisory Opinion had been issued.[73] In August 2015, the construction of the wall resumed in Bethlehem after the High Court of Justice, in April 2015, requested the State of Israel to consider alternative routes to ensure access of Palestinians between Bethlehem, Beit Jala and a Cremisan monastery and convent.[74]

56. Regarding the recommendation to fully lift the blockade, OCHA has continued to document[75] how the blockade undermines Gaza's economy, resulting in high levels of unemployment, food insecurity and aid dependency. The blockade has continued to negatively impact the quality of health, education, and water and sanitation services available in Gaza. One third of the applications for exit permits for medical treatment outside Gaza submitted in 2016 were rejected or delayed. The volume of imports allowed into Gaza falls short of current needs due to population growth and the devastation from recurrent hostilities. The limited access to construction materials delays the construction, repair and upgrade of homes and infrastructure, and prolongs the displacement of those who have lost their homes. Also, the production of food inside Gaza is affected by the prohibition of access to areas within 300 metres of the perimeter fence (making access to a wide area contiguous to those 300 metres unsafe), which prevents and discourages agricultural activities. Moreover, fishermen are allowed to access less than a third of the fishing areas allocated under the Oslo Accords. Consequently, by mid-2016, the unemployment rate was almost 42 per cent, and stood at 60 per cent among youth and 65 per cent among women; 47 per cent of households in Gaza suffered from moderate or severe food insecurity; and over 70 per cent of the population was receiving some form of international aid, mainly food assistance.

57. The third element of the recommendation demands that Israel urgently allow the entry of all construction materials necessary for private homes and civilian infrastructures. According to OCHA, the partial easing of some of the restrictions since the establishment of the Gaza Reconstruction Mechanism in 2014 has facilitated the entry of some restricted items, but recent import reductions have put a strain on the GRM's effectiveness and hampered reconstruction efforts. For example, between 3 April and 22 May 2016, Israel did not allow the import of cement to Gaza by the private sector due to allegations that this material was being used to build a tunnel to Israel. While the import of cement has since resumed, the number of trucks has been limited to 90 per day – compared to 120 before April 2016. This generated a backlog demand of 577,000 tons of cement in December 2016, and OCHA calculated it could take nine years for the supply to catch up with the increasing demand. Only four per cent of the cement needed in December 2016 to construct and repair houses for the 33,000 families who were authorized to purchase cement through the Gaza Reconstruction Mechanism was available. Consequently, 10,248 families (about 53,300 people) remained displaced.[76]

[72] CRC/C/ISR/CO/2-4, para. 26.c.

[73] See www.ochaopt.org/content/spotlight-10-years-international-court-justice-icj-advisory-opinion

[74] See www.ochaopt.org/content/barrier-construction-bethlehem-resumes.

[75] See www.ochaopt.org/content/gaza-strip-humanitarian-impact-blockade-november-2016.

[76] See www.ochaopt.org/content/intensified-restrictions-entry-building-materials-delay-completion-housing-projects-gaza.

58. Due to the insufficient easing of the import restrictions and its limited impact, the scale of the ongoing humanitarian crisis and the failure to lift the blockade, the recommendation is assessed as "not implemented".

59. In 2009, multiple special procedures mandate-holders asked all parties to "Enable the import of reconstruction materials needed to build or repair vital infrastructure and housing, and facilitate the full reintegration in dignity and security of the recently displaced (without prejudice to the right of return of Palestinian refugees)."[77] The recommendation addresses all parties; its implementation by the Israeli and Gaza authorities is separately assessed.

60. Israel's failure to comply with the recommendations and enable the import of sufficient reconstruction materials and its humanitarian impact has been illustrated in previous paragraphs. OCHA has documented how the blockade continues to hinder reconstruction and recovery efforts in Gaza: "[l]ongstanding access restrictions imposed by Israel have undermined Gaza's economy [...] Restrictions on the import of goods treated by Israel as "dual use" items have impacted on the quality of basic services and impede efforts to address housing needs."[78]

61. OCHA documented that, beginning on 26 March 2017, Gaza authorities imposed access restrictions which have exacerbated the humanitarian concerns and delayed reconstruction efforts. Restrictions to the entry and exit of persons were established at the Arba Arba checkpoint, which controls access to the Erez Crossing between Gaza and Israel, further reducing the number of Palestinians in Gaza permitted to leave through Erez due to restrictions by Israel, and delaying the implementation of large infrastructure projects due to cancellation of visits by international consultants.[79]

62. As a result of the difficulties affecting reconstruction, 75,000 persons displaced by the 2014 escalation remain in this situation,[80] preventing their "full reintegration in dignity and security". As the above information indicates that none of the parties has complied with the recommendation, it has been determined as "not implemented".

F. Civil and political rights

63. Fifty-eight recommendations (six per cent of the total) are related to other civil and political rights, including 29 that refer to the freedoms of expression, assembly and association. Among those 29, 17 are addressed to Palestinian authorities and 12 to Israel. The following table provides an overview of the distribution of the issues covered by these recommendations and the relevant percentages.

Table 8
Overview of recommendations related to other civil and political rights

	Number of recommendations	*Percentage in this thematic area*	*Percentage of all recommendations*
Freedom of expression, assembly and association	34	58.6%	3.7%
Freedom of thought, conscience and religion	10	17.2%	1.1%
Right to protection of family	12	20.7%	1.3%
Palestinian political unity	2	3.4%	0.2%
Total	58		

[77] A/HRC/10/22 105 para. 103(f).
[78] See www.ochaopt.org/content/gaza-strip-humanitarian-impact-blockade-november-2016.
[79] See www.ochaopt.org/content/continuing-access-restrictions-de-facto-authorities-gaza-add-humanitarian-concerns.
[80] See http://gaza.ochaopt.org/2016/04/gaza-internally-displaced-persons-april-2016/.

64. Eight of the recommendations mention religious rights, both in terms of access to religious sites and addressing the right to bury relatives in accordance with religious customs. In June 2016, the Committee against Torture recommended that Israel "take the measures necessary to return the bodies of the Palestinians that have not yet been returned to their relatives as soon as possible so they can be buried in accordance with their traditions and religious customs, and to avoid that similar situations are repeated in the future."[81] The paragraphs that follow illustrate the process that led to assessments of implementation or non-implementation in this category of recommendations.

65. The Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories expressed concern, in August 2016, that although "many of the bodies" had been returned to the families, many continued to be held by Israel "in poor and inhumane conditions", and were consequently often "disfigured, sometimes beyond recognition."[82] The Secretary-General expressed concern about extensive delays to return the bodies "with punitive intent against the families of the deceased", despite a commitment from the Government of Israel to release them "within a short space of time."[83]

66. Moreover, the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories expressed its concern that the then newly appointed Defence Minister, Avigdor Lieberman, had reaffirmed the practice of keeping the bodies of Palestinians killed while conducting attacks against Israelis and burying them in a special cemetery in Israel.[84] According to Israeli media, in December 2016, the Government of Israel agreed to withhold the bodies of Palestinians killed while carrying out attacks if the deceased belonged to Hamas and return them to their families if no links with Hamas were suspected.[85] On 1 January 2017, the Israeli Prime Minister's Office issued a statement saying that the cabinet had "discussed a permanent policy" and decided that the bodies of "Hamas terrorists killed during attacks" would not be returned to their families but "buried".[86]

67. Therefore, although the bodies of some Palestinians deceased in Israel while carrying out attacks were returned to their families (which could arguably be seen as partially implementing the first element of the recommendation), this occurred after unjustified delays with a punitive intention, contrary to the requirement of a speedy return made in the recommendation ("as soon as possible"). Regarding the second part of the recommendation (avoiding the reoccurrence of the unjustified withholding of the bodies), the publicly-stated "permanent policy" to selectively keep the bodies of persons with links to Hamas shows the intent to continue disregarding its content. The recommendation is therefore assessed as "not implemented".

68. In 2011, the High Commissioner recommended that the Palestinian Authority should "[e]nsure that civil society organizations, human rights defenders and journalists can carry out their work in an open, safe and secure operating environment, especially in relation to the rights to freedom of association and expression, as well as other applicable international standards."[87] In August 2016, Human Rights Watch documented multiple cases where authorities in the West Bank and in Gaza "arrest[ed], abus[ed], and criminally charg[ed] journalists and activists" who were critical of authorities. Human rights violations included torture, and, according to Human Rights Watch, were part of a long-standing pattern of violations of the right to freedom of speech.[88]

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[81] CAT/C/ISR/CO/5, para. 43.

[82] A/71/352, para. 46-47.

[83] See the case of Ewisat v. The Israel Police et al. (High Court of Justice 2882/16) on 5 May 2016, A/71/364, para. 25.

[84] A/71/352, para. 48, www.timesofisrael.com/liberman-orders-moratorium-on-returning-attackers-bodies/, and www.jpost.com/Israel-News/Politics-And-Diplomacy/Liberman-halts-the-return-of-terrorist-bodies-456369.

[85] See www.haaretz.com/israel-news/.premium-1.757959, www.israelnationalnews.com/News/News.aspx/221496.

[86] See www.pmo.gov.il/MediaCenter/Spokesman/Pages/spokeCabinet010117.aspx.

[87] A/HRC/16/71, para. 60(b).

[88] See www.hrw.org/news/2016/08/29/palestine-crackdown-journalists-activists.

69. In March 2017, the Secretary-General also expressed his concern that "Throughout the Occupied Palestinian Territory, social media is monitored, and journalists and activists are harassed, arrested, detained and, in some cases, subjected to ill-treatment or torture. Authorities in both the West Bank and Gaza have also restricted peaceful assemblies. These practices denote the rise of a repressive environment and promote self-censorship among the Palestinian population."[89] The recommendation has thus been assessed as "not implemented".

G. Economic, social and cultural rights

70. Seven per cent of the recommendations (63) are dedicated to economic, social and cultural rights: 18 to the right to education, 16 to the right to health, seven to the right to water and sanitation, 14 to the right to an adequate standard of living, and two to the right to development. Most recommendations were addressed to Israel (49), 10 to Palestinian authorities and four to the international community. The following table provides an overview of the distribution of the issues covered by these recommendations and the percentage within this review. Two recommendations have been selected to illustrate the methodology followed to assess their implementation.

Table 9
Overview of recommendations related to economic, social and cultural rights

	Number of recommendations	*Percentage in this thematic area*	*Percentage of all recommendations*
Right to health	16	25.4%	[illegible]
Right to education	18	28.6%	1.9%
Right to water	7	11.1%	0.8%
Adequate standard of living, food, clothing, housing	14	22.2%	1.5%
Development	8	12.7%	0.9%
Total	63		

71. The report of the High Commissioner of March 2013 on the implementation of Human Rights Council resolutions S-9/1 and S-12/1 recommended that "Israel must ensure that all wounded persons receive the required medical attention with the least possible delay. To this effect, IDF should issue clear instructions that the wounded must receive immediate attention, without discrimination, and staff must refrain from obstructing the work of medical personnel, including Palestinian ambulance crews."[90]

72. Throughout 2016, OHCHR documented and raised concerns that Palestinians wounded by Israeli security forces were not provided with medical assistance, or that such assistance was significantly delayed, including by blocking Palestinian ambulances and first responders. For example, "witnesses informed OHCHR that an Israeli medic arrived 12 minutes after Hadeel al-Hashlamoun was shot, but that she was not given first aid. Local media reports said Palestinian medics present at the checkpoint were prevented from reaching Ms. Al-Hashlamoun, and she was left bleeding for about 30 minutes."[91] In another example, "regarding Basil Basim Sidir, two witnesses interviewed by OHCHR stated that, although a medical team had reached the spot within a few minutes, the Israeli security forces did not allow them to attend to the victim for around 15 minutes."[92]

73. No information is available indicating that instructions have been issued by the Israeli security forces to its personnel to allow prompt medical attention to wounded

[89] A/HRC/34/38, para. 70.
[90] A/HRC/22/35 para. 71.
[91] A/HRC/31/40 para. 16.
[92] Ibid.

Palestinians. Cases documented between October 2015 and January 2017 by Physicians for Human Rights include instances of Palestinian medical personnel blocked from treating wounded persons accused of conducting an attack. Incidents of tear gas, tear gas canisters and rubber bullets thrown or shot at ambulances were also reported.[93] Eight of these cases documented by Physicians for Human Rights were submitted to the investigative authorities for addressing complaints regarding delays in the evacuation of the wounded. At the time of writing, these complaints were closed or no answer had been received.

74. The main indicator to assess the implementation of this recommendation is the continued reoccurrence of documented cases of Palestinian ambulances and first responders delayed and, in some instances, blocked entirely. The lack of clear instructions issued to the Israeli security forces to facilitate prompt medical assistance, and the closure or lack of timely response to the complaints filed constitutes an additional indicator that the recommendation was "not implemented".

75. In 2009, the report by multiple mandate holders[94] on the Human Rights situation in Palestine Other Occupied Arab Territories recommended that parties to the conflict "Enable the immediate resumption of regular educational activities, make schools zones of peace and ensure that schools are protected from military attacks and from seizure or use as centres for recruitment."[95]

76. The recommendation is addressed to both parties to the conflict in the 2009 escalation of hostilities in Gaza: Israel and Hamas. Following the ceasefire of 18 January 2009, and the resumption of education activities, the first part of the recommendation calling for the resumption of educational activities could arguably be considered as "fully implemented". However, for the purpose of this analysis, it is necessary to note that after 2009, two additional escalations of hostilities took place between Israel and Hamas in 2012 and 2014. During the last escalation, between 8 July and 26 August 2014, "at least 262 schools were damaged in Israeli air strikes. Three public schools were completely destroyed and at least 23 were severely damaged. In addition, 274 kindergartens were damaged."[96] Furthermore, "of the 83 school buildings of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) that were damaged owing to Israeli airstrikes and shelling nearby, 7 being used as shelters were hit either directly or by air strikes or shelling, resulting in the death of at least 42 persons, including 16 children, and in the injury of about 230 persons."[97] It appears that schools were not considered as zones of peace, and were not protected from attacks by the Israeli security forces.

77. In relation to Hamas, the Secretary-General noted that "during its routine inspections, UNRWA discovered that weapons or weapons components had been placed by Palestinian armed elements in three vacant UNRWA schools in Gaza."[98] On 10 November 2014, the Secretary-General decided to establish a United Nations Headquarters Board of Inquiry into 10 incidents which caused death or injury and damage, or during which weaponry was found at United Nations facilities during the conflict. On 27 April 2015, the Secretary-General released a summary of the Board's findings in a letter to the Security Council. He deplored that at least 44 Palestinians were killed and at least 227 injured as a result of Israeli attacks at United Nations premises that were being used as emergency shelters. The Board concluded that the three schools at which weaponry belonging to Palestinian armed groups was found were empty at the time, not being used as shelters.[99]

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[93] See www.phr.org.il/en/complaints-concerning-delay-evacuation-wounded-pales, http://cdn2.phr.org.il/wp-content/uploads/2016/12/PHRI-Submission-SR-OPT-7-November-2016-UPDATED.pdf.

[94] A/HRC/10/22 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G09/135/43/PDF/G0913543.pdf?OpenElement

[95] A/HRC/10/22 para 103 (b).

[96] S/2015/409 para. 98.

[97] S/2015/409 para. 99.

[98] A/69/926 S/2015/409 para. 102.

[99] Letter dated 27 April 2015 from the Secretary-General addressed to the President of the Security Council, S/2015/286.

78. Given the documented level of destruction of education infrastructure during the 2014 escalation of hostilities and the verified use of schools to store weapons, it is considered that this recommendation is "not implemented" by any of the parties to the conflict.

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Technical assistance and capacity-building

Progress and challenges encountered in the main activities aimed at enhancing technical cooperation and capacity-building undertaken since the establishment of the Human Rights Council

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

The present report is submitted pursuant to Human Rights Council resolution 33/28, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on progress and the challenges encountered in the main activities aimed at enhancing technical cooperation and capacity-building undertaken since the establishment of the Human Rights Council.

The report contains information on worldwide practices and experiences in the area of technical cooperation in the field of human rights. It is based on research undertaken by OHCHR on global, regional and national experiences.

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I. Introduction and methodology

1. The present report is submitted pursuant to Human Rights Council resolution 10/20, in which the Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to prepare a report on progress and the challenges encountered in the main activities aimed at enhancing technical cooperation and capacity-building undertaken since the establishment of the Human Rights Council.

2. The present report contains a selection of practices, developed in the context of OHCHR technical cooperation programmes, implemented by OHCHR or in cooperation with other United Nations and regional entities in support of State efforts to promote and protect human rights. This selection is intended to illustrate achievements, progress and challenges encountered through the development and implementation of such programmes.

3. In the preparation of the report, information on different experiences, including methodologies used and lessons learned, was gathered from OHCHR headquarters and field presences, regional and country offices, human rights components of United Nations peacekeeping missions and human rights advisers to United Nations country teams, working closely with host governments. OHCHR also solicited direct contributions from all States for the preparation of the present report. The following States provided much-appreciated input: Germany, Kuwait, Qatar, Serbia, and the former Yugoslav Republic of Macedonia.

4. Since the establishment of the Human Rights Council, the role and advice of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review have acquired greater and greater importance through the Board's annual presentations to the sessions of the Human Rights Council as well as its participation in the panel discussions on technical cooperation. The Board of Trustees has been gathering information on the situation on the ground, the relevance of the programmes requested and proposed, and the efficiency and effectiveness of programme delivery in meetings and discussions that it holds with OHCHR management and staff, government officials and State institutions, civil society organizations and specific groups that benefit from the programmes offered by OHCHR. The information obtained is invaluable for understanding the impact and sustainability of results achieved through technical cooperation. For this reason, the present report also builds on the views and advice provided by the Board of Trustees at the Human Rights Council sessions since the adoption of Council resolution 10/18.

5. Another key contribution from the Board of Trustees over the last five years, as noted at the Human Rights Council, has been the unpacking of key components of good cooperation programmes, which the Board of Trustees has been elaborating in its reports to the Human Rights Council.[1] During the discussions under the technical cooperation agenda item, States have expressed appreciation for the components mentioned. For this reason, and in order to facilitate compilation of the experiences and results in the present report, OHCHR has used, as a basis for each of the sections of the present report, the various components spelled out by the Board of Trustees in its reports.

[1] See, for example, A/HRC/7/61, para. 27.

II. Experiences and practices in technical cooperation and capacity-building since the establishment of the Human Rights Council

A. Building and strengthening national frameworks and institutions for the protection of human rights

1. Technical cooperation with executive branches, judiciaries and parliaments

6. Rather than attempting to present a completely comprehensive picture of the technical cooperation activities of OHCHR, the following sections are aimed at providing diverse but emblematic examples of the technical cooperation activities of OHCHR over the last decade.

OHCHR support for transitional justice initiatives

7. Transitional justice has gained traction over the past decade as an important area of human rights which has also seen extensive normative and practical development. Hence, many governments and national societies have solicited the technical cooperation of OHCHR in order to understand the basic concepts, assess comparative experiences from other countries and apply best practices when establishing transitional justice institutions and processes.

8. In close cooperation with expert organizations such as the International Center for Transitional Justice, OHCHR has developed a series of guidance tools which constitute the conceptual and best-practice bedrock of its technical assistance on transitional justice. These tools are gathered together in the OHCHR publication series *Rule-of-Law Tools for Post-Conflict States* and cover areas such as truth commissions, prosecution, reparations, amnesties, vetting and national consultations on transitional justice.[2]

9. Over the past two decades, OHCHR has built up a comprehensive body of comparative experience from supporting transitional justice processes on all continents, from promoting a victim-oriented approach and from facilitating government consideration of judicial and non-judicial transitional justice measures, such as truth commissions and reparations programmes as well as prosecution initiatives.

10. In Sri Lanka, for example, transitional justice was the main focus of the engagement by OHCHR with the Government in 2016. In particular, through the Human Rights Adviser, OHCHR provided technical support to the Ministry of Foreign Affairs and the Secretariat for Coordinating Reconciliation Mechanisms on the design and implementation of the national consultation process and supported the consultations carried out by a government-appointed task force of eminent civil society members. The consultations were held to elicit views from a broad range of stakeholders on how institutions and processes for transitional justice should be designed in order to promote accountability and reconciliation.

11. In Nepal, the comprehensive peace agreement of 2006 launched a transitional justice process that included the establishment of a truth and reconciliation commission. OHCHR worked with all stakeholders to provide technical advice and capacity-building on the role of truth commissions in transitions, on reparations and on justice and accountability processes. For example, it provided the Government with expert documentation on truth and reconciliation commissions, copies of truth and reconciliation commission legislation from other countries, translated versions of OHCHR's core rule-of-law tool on truth and reconciliation commissions, and briefings on truth and reconciliation commissions to key constituencies, including women legislators. Later, OHCHR issued an analysis of the enabling law for the country's Truth and Reconciliation Commission and its Commission on Investigation of Disappeared Persons, providing guidance on its compliance with

[2] See www.ohchr.org/EN/PublicationsResources/Pages/TransitionalJustice.aspx.

international standards. This analysis has been widely referenced, including by the Supreme Court of Nepal in its decision to strike down the amnesty clauses in the enabling law.

OHCHR Cambodia Country Office effectively combines technical cooperation and human rights monitoring

12. OHCHR opened its first field presence in Cambodia in 1993. Its long-term presence in the country and its thorough understanding of the human rights challenges faced by the authorities have helped it to select priority technical cooperation initiatives, together with the Government. The human rights monitoring activities carried out by the OHCHR office in Cambodia since 1993 have substantially contributed to that understanding of the human rights situation and hence to the sound design of the technical cooperation programme in the country.

13. In April 2015, the Board of Trustees held its annual session in Cambodia, which allowed first-hand observation of successful OHCHR technical cooperation with the Cambodian justice system, particularly with the justice and interior ministries. OHCHR technical cooperation efforts in Cambodia include — among other issues — justice system reform, prison reform, and implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.[3]

14. During its session, the Board of Trustees visited Correctional Centre 1, together with the authorities. It witnessed substantial overcrowding and therefore commended the efforts by OHCHR to support solutions to the current situation of large numbers of persons in pretrial detention. OHCHR has also provided appreciated technical support for the formulation and implementation of the new Code of Criminal Procedure. As a complementary measure, OHCHR and the United Nations Development Programme (UNDP) have supported infrastructure improvements to the Cambodian justice system, including the construction of the Kampong Speu court.[4]

15. It is important to note that the Board of Trustees found that OHCHR priorities in Cambodia were in line with the expectations of national stakeholders, and that the OHCHR country office continued to be seen, more than 20 years after its establishment, as a reliable partner with the capacity to respond effectively to requests for assistance.[5]

OHCHR support for security sector reform

16. In 2012, OHCHR conducted a mapping exercise of its global support for security sector reform. The survey indicated that almost all OHCHR field presences (56 at the time) engaged with law enforcement, military and intelligence agencies in one form or another. The lessons learned point to the importance of taking a systemic approach to technical cooperation in the area of security sector reform, and to avoid isolated and often unsustainable human rights training with individual units.

17. In the experience of OHCHR, training is only one of many possible interventions to enhance the respect for human rights in a law enforcement organization. Before the decision to carry out human rights training is taken, it is essential to analyse the context in which such training is to take place, the challenges that it will seek to address and the complementary actions that will be necessary to ensure the training's effectiveness.

18. As experienced by OHCHR field presences, there is little or no point in engaging in one-off briefings on human rights except where this is linked to other capacity-building initiatives. Sustainable engagements include engaging with internal reform processes and with training academies, regarding curriculum development, as well as in-service training.

19. Cooperation projects should closely meet the needs of the recipient entities and be based on the beneficiary profile of the given security force. There are many good examples of security sector reform cooperation projects designed jointly between OHCHR and the

[3] See A/HRC/29/48, paras. 14-24.
[4] Ibid., para. 19.
[5] Ibid., para. 24.

beneficiary institution concerned. For example, the OHCHR Regional Office for the Pacific Region implemented a series of workshops to develop action plans for the police academy, while the OHCHR Human Rights Adviser in Papua New Guinea supported the development of human rights training modules for new recruits. OHCHR field presences in Iraq, Jordan, Nigeria and Tunisia have also developed a comprehensive engagement on human rights for law enforcement agencies involved in counter-terrorism activities.

Strengthening gender equality in Senegal by reviewing the nationality law

20. The OHCHR Regional Office for West Africa provided technical advice to the Government of Senegal for the drafting of a new nationality code, based on recommendations of the Committee on the Elimination of Discrimination against Women, with a view to ending the differential treatment of men and women with regard to the transmission of nationality through marriage, childbirth and adoption.

21. In collaboration with the non-governmental organization Association of Women Jurists of Senegal, OHCHR provided technical assistance for harmonizing the Family Code with international human rights standards, which resulted in the drafting of a compendium of national laws to be harmonized, based on the recommendations of international human rights mechanisms.

Support for judiciaries on investigating violence against women

22. Over the last ten years, OHCHR has developed valuable expertise on the phenomenon of gender-related killings (so-called femicide), an issue that has attracted the attention of the Human Rights Council at various sessions over the past decade, particularly in some countries in Latin America. The experience from one country context has been documented effectively and shared with other OHCHR field presences in the region, allowing OHCHR to assist in the development of relevant legal frameworks and to support State efforts to strengthen investigations and judicial responses in several countries in the region.

23. In 2011, the OHCHR Regional Office for Central America supported the elaboration of a protocol for the investigation of femicide in El Salvador, which was approved by the Attorney-General. Based on this work, a model protocol for the investigation of femicide in the Latin America region was developed jointly by OHCHR and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). The protocol aims at ensuring that gender-specific aspects are taken into account in formulating hypotheses, in analysing crime scenes and in identifying necessary expert evidence.

Government of Thailand and the United Nations join forces to develop standards for the treatment of women prisoners

24. In 2009, the Government of Thailand submitted a resolution to the Commission on Crime Prevention and Criminal Justice, a subsidiary body of the Economic and Social Council, which recognized the vulnerability of women incarcerated in a system built principally for men. The resolution set in motion a series of meetings that culminated in the adoption by the General Assembly in December 2010 of the first set of United Nations rules focused on women prisoners: the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). OHCHR, through its regional office in Bangkok, contributed to the final drafting of the Bangkok Rules at an expert meeting organized by the United Nations Office on Drugs and Crime (UNODC) and hosted by the Government of Thailand in November 2009 in Bangkok.

Supporting the application by European Union member States of a human rights-based approach to trafficking and border control

25. The OHCHR Regional Office for Europe, together with UNODC, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO) and UN-Women, provided technical support to a number of European Union entities, including the European Parliament's Committee on Women's Rights and Gender Equality, in their efforts to

develop a human rights-based directive on preventing and combating trafficking in human beings and protecting its victims. Adopted in 2011, the directive takes into account the contributions by United Nations entities on existing relevant international human rights standards.

26. OHCHR also provided technical assistance to the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex) in aligning its policies with the new framework. In close cooperation with the Frontex training unit and with the collaboration of the European Union Agency for Fundamental Rights, UNODC, UNHCR, UNICEF, UN-Women, the International Organization for Migration, the Organization for Security and Cooperation in Europe and others, OHCHR provided legal and methodological advice for the development of two specialized training packages for border guards, in compliance with international and regional human rights standards.

A human-rights based approach to migration: developing a code of conduct for the protection of migrant domestic workers in Lebanon

27. Since 2005, as part of its technical cooperation work to increase the compliance of laws with international human rights standards, the OHCHR Regional Office for the Middle East has been working closely with the Government of Lebanon, ILO and non-governmental organizations (NGOs) to alleviate the hardship experienced by domestic workers in Lebanon. A steering committee was set up to develop a national plan of action. One of the first major achievements of the committee was the drafting of a unified contract, which provided a common set of standards to protect domestic migrant workers. In close consultation with the Ministry of Labour, the Syndicate of Owners of Recruitment Agencies in Lebanon and the Caritas Lebanon Migrant Centre, and in coordination with ILO, OHCHR supported the development of a code of conduct for recruiting agencies.

Strengthening the capacity of national and local Serbian authorities to protect the rights of migrants and refugees

28. In 2015 and 2016, with the support of OHCHR, the Serbian Protector of Citizens (Ombudsman) implemented the "Improvement of the protection of refugees and migrants in the Republic of Serbia" project, which, according to the Government, strengthened the capacity of national and regional authorities to enhance the realization of rights of refugees and migrants. As a result, according to the Government, migrants and refugees along the "Balkan route" could further exercise their rights and the regional cooperation between the United Nations and the national institutions for the promotion and protection of human rights was strengthened. In addition, OHCHR supported anti-discrimination training for representatives of ministries and institutions, organized by the country's Office for Human and Minority Rights and Ministry of Labour.[6]

2. Technical cooperation for the establishment and optimal functioning of national human rights institutions

29. Technical cooperation to establish and strengthen national human rights institutions that are constituted and operate in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles)[7] has been a clear priority for OHCHR over the past decade. This technical support has often been warmly welcomed by the Human Rights Council, including in several recent resolutions. As seen for example in the Council's resolution 33/15, assistance from OHCHR takes multiple forms and encompasses multiple areas of cooperation, ranging from support for the drafting of legislation for the establishment of a national human rights institution, to organizing national consultations on the Paris Principles with key stakeholders including in government, parliament and civil society, to capacity-building for members and staff of national human rights institutions. OHCHR collaborates with UNDP

[6] Office for Human and Minority Rights response to OHCHR questionnaire, 21 March 2017.
[7] See General Assembly resolution 48/134.

and regional networks of national human rights institutions to undertake capacity assessments of established national human rights institutions as the basis for capacity-building programmes and activities. OHCHR has also worked with regional networks of national human rights institutions, with regional organizations and with civil society in the development of publications and tools to enhance the capacity of national human rights institutions.

30. Support by OHCHR for national human rights institutions has evolved and expanded significantly over the last ten years. An increasing number of national human rights institutions are benefiting from OHCHR technical support. In 2015, national human rights institutions from 71 countries received technical assistance from OHCHR on the establishment or strengthening of the institution (some examples are given below). In addition, OHCHR has long provided secretarial support to the international coalition of national human rights institutions. In 2016, that coalition changed its name to the Global Alliance of National Human Rights Institutions. Annual general meetings of the Global Alliance, and meetings of its Bureau and its Subcommittee on Accreditation, as well as the its international conferences, are held with support by OHCHR in its capacity as the Global Alliance's secretariat.

31. The most important assistance provided by OHCHR to national human rights institutions takes place at the national and local level, where many country offices, human rights advisers, human rights components of peacekeeping missions or regional OHCHR presences work hand in hand with national human rights institutions, on all continents. In Iraq, for example, the human rights office of the United Nations Assistance Mission for Iraq and UNDP have carried out capacity-building activities for the national human rights institution's commissioners and staff, including the elaboration of a plan of action on capacity development for 2014 and 2015.

32. In Somalia, the Government adopted legislation for the creation of a commission for human rights, in June 2013. The United Nations Assistance Mission in Somalia human rights component had presented parliamentarians with an assessment of the draft bill's compliance with the Paris Principles and recommended that broader consultations take place with the regions and civil society.

33. The human rights section of the United Nations Integrated Peacebuilding Office in Sierra Leone has consistently provided financial and technical support since the establishment of the Human Rights Commission of Sierra Leone, and in 2013 focused on strengthening the Commission's monitoring capacity.

B. Supporting national development goals and human rights commitments through technical cooperation

34. As the Board of Trustees has argued, effective technical cooperation should reflect national development objectives in order to create true ownership and thereby sustainability of the activities. Therefore, the OHCHR Technical Cooperation Programme prioritizes support for initiatives that ensure the inclusion of human rights in national and local development planning and implementation. Such support ensures that the technical cooperation programmes are demand-driven and reflect national priorities and commitments, including those made in the framework of the 2030 Agenda for Sustainable Development. Furthermore, the Human Rights Council, in its resolution 31/5, has welcomed OHCHR technical cooperation efforts aimed at realizing economic, social and cultural rights.

35. In several countries, OHCHR has contributed to the inclusion of human rights in national and local development plans. In Mexico, the point of departure for this work was a number of human rights assessments (*diagnósticos*), both at the national level and at the state level, carried out by the Government with technical support from OHCHR. In 2006, OHCHR Mexico launched a methodology to develop human rights assessments and

programmes at the state level. Later, this methodology helped the State of Oaxaca to elaborate its 2011-2016 development plan with a human rights-based approach.[8]

Implementing a human rights vision of development in Uganda

36. In 2013, the Government of Uganda launched Uganda Vision 2040, an overarching national planning framework which considers human rights a prerequisite for development. Uganda Vision 2040 was developed by the National Planning Authority in consultation with other national stakeholders and partners, and OHCHR Uganda contributed to the drafting process. According to Uganda Vision 2040, "Government shall ensure that the human rights-based approach to development is integrated in policies, legislation, plans and programs."[9]

37. The National Planning Authority requested technical support from OHCHR for the effective integration of human rights into sector and district government development plans, and ultimately into the second five-year National Development Plan.

38. In that context, OHCHR provided technical cooperation in partnership with the German Agency for International Cooperation (GIZ) and with funding from Norway. In May 2014, with the support of OHCHR and GIZ, the National Planning Authority issued new planning guidelines with a human rights-based approach. In order to strengthen the integration of human rights into plans and to identify and refine indicators, OHCHR launched a strategic training programme targeting planning officers, chief administrative officers and community development and population officers from 66 districts and 16 thematic sectors. The training was so well received that the National Planning Authority requested OHCHR to cover the remaining 46 districts, with UNDP funding.

C. Formulating and implementing technical cooperation programmes through consultation and with the broadest possible participation

39. As the Board of Trustees has suggested, the broadest possible participation of all segments of national societies increases the chances of technical cooperation projects being effective and successful.[10] Furthermore, the medium- and long-term sustainability of the technical cooperation activities is often influenced by how well the activity is anchored with beneficiaries and their organizations, or with institutions mandated to promote and protect the rights of a specific group of rights holders. When designing technical cooperation projects, OHCHR is systematically ensuring the participation of key stakeholders, particularly the direct beneficiaries, through the design of the activities.

1. OHCHR Tunisia supports broad participation in the constitutional reform process

40. OHCHR Tunisia and prominent civil society organizations co-organized a national consultation on the Constitution, the rule of law and human rights, which was held from 18 to 20 July 2012 in the Tunisian city of Mahdia. At the consultation, approximately 100 representatives of civil society discussed the importance of having a constitution based on the rule of law and in compliance with international human rights standards. As a result of the consultation, a joint proposal for improvement of the draft constitution, known as the Mahdia Declaration, was developed by civil society actors and provided a common platform for civil society organizations' advocacy before the National Constituent Assembly.

[8] Coordinación para la Protección de los Derechos Humanos del Estado de Oaxaca, *Derechos de las Personas Afrodescendientes* (2013). Available from www.hchr.org.mx/images/doc_pub/08_Afrodescendientes_oax.pdf.

[9] National Planning Authority, "Uganda Vision 2040", p. 108.

[10] See A/HRC/29/48, para. 30.

2. Strategic litigation and the Maya Programme in Guatemala

41. The Maya Programme was established in 2009 to empower indigenous Mayan, Xinca and Garifuna peoples, communities and organizations to achieve stronger negotiating power and participation in public life. It is implemented by OHCHR, UNDP and UNICEF and is overseen by a steering committee comprising representatives of the Secretariat of Planning and Programming of the Presidency, OHCHR, UNDP and UNICEF. In the first phase of the programme, from 2009 to 2013, 18 indigenous organizations filed cases before administrative or judicial bodies on various issues, including rights relating to land, territory and natural resources, discrimination, access to justice, consultation, self-determined development and cultural rights. Five cases received favourable rulings, and three, for which national remedies had been exhausted, were submitted to the Inter-American Commission on Human Rights.

42. OHCHR interventions, in collaboration with indigenous peoples' organizations, have led to positive outcomes, such as the establishment of a support network for organizations working on indigenous rights, and an increased use of national and regional protection systems by those organizations. The Maya Programme has also built up the capacity of judicial officials and has promoted changes in the legal and political culture of judges as duty bearers, so that they hand down rulings in accordance with international law. A second phase of the project was initiated in 2014.

3. Achieving results through broad participation in the Republic of Moldova

43. The efforts by OHCHR to ensure a broad participation of stakeholders in its technical cooperation projects were acknowledged in, for example, the external evaluation of the OHCHR project entitled "Combating discrimination in the Republic of Moldova, including in the Transnistrian region" (2014-2015).[11] In the Republic of Moldova, OHCHR decided to implement an anti-discrimination project by engaging one disability organization, one Roma NGO and one organization for lesbian, gay, bisexual and transgender persons. Also, a Roma person was hired to work with so-called "Roma community mediators". These implementing partners were selected among organizations/individuals forming part of, or already working with, the target communities — in this case minority groups who were victims of discrimination. The participation of these beneficiaries in the project was an important strategy in creating networks of victims. With the continued support of OHCHR, these networks managed to establish themselves as officially registered NGOs and associations, which ensured a high degree of sustainability for the project activities.[12]

4. Involving civil society in technical cooperation with State stakeholders

44. In Mexico, the Law for the Protection of Human Rights Defenders and Journalists, of 2012, provides for a national mechanism to address threats to human rights defenders and journalists. The law was drafted with the participation of civil society actors and Congress and was supported by international NGOs and OHCHR Mexico. The participation of OHCHR in joint Government-civil society projects can sometimes facilitate the process and improve the outcome. OHCHR can provide access to comparative experiences from other countries and can sometimes increase the level of trust between the parties involved in the project.

45. In Colombia, over a period of five years (2005-2009), OHCHR, UNDP and the diplomatic community, as recognized neutral parties, facilitated effectively a productive, multi-stakeholder dialogue and increased the attention to United Nations human rights recommendations in Colombia, which resulted in concrete policy action, including a government directive to combat extrajudicial executions. The well-documented process

[11] "External evaluation of the OHCHR project 'Combating discrimination in the Republic of Moldova, including in the Transnistrian region (2014-2015)' ", section on good practices, December 2015, available from www.ohchr.org/Documents/AboutUs/Evaluation/CombatingDiscriminationRepMoldova.pdf.

[12] Ibid., evaluation question No. 7.

represents important lessons learned on how the United Nations and the diplomatic missions can and should play a bridge-building role, even in the most strained civil society-government contexts.[13]

5. Participation by women victims of sexual and gender-based violence, in Kosovo[14]

46. In Kosovo, OHCHR actively promoted the participation of women in the identification of adequate reparation measures. Through inclusive consultations with survivors, OHCHR completed a study in 2013 on reparations for victims of sexual and gender-based violence during the armed conflict in Kosovo and advocated for the implementation of the recommendations contained in the report, which contributed to addressing long-standing demands for redress.

6. OHCHR monitoring in Togo increases participation in the electoral processes

47. In 2013, OHCHR Togo significantly contributed to the participation of voters through a comprehensive programme of human rights promotion and a parallel election monitoring project, allowing 66 per cent of voters to cast a vote. The OHCHR Togo electoral project included involvement by civil society organizations in the promotion and monitoring of respect for human rights. In anticipation of the elections, 600 human rights observers were deployed to the 30 prefectures in Togo and the five communes of Lomé to monitor the observance of key civil and political rights related to elections and basic principles of independence and impartiality. OHCHR trained and coordinated the observers by deploying staff members to the five administrative regions. This enabled OHCHR to remain informed about problems encountered, to undertake advocacy interventions as needed, and to liaise with the State and the electoral authorities, who showed a high degree of cooperation and goodwill.

D. Support for follow-up to recommendations of human rights mechanisms

48. The international human rights system has significantly expanded over the past 20 years, with a near-doubling in the number of treaty bodies that oversee the implementation of the core human rights treaties, a similar increase in the number of special procedure mandates within the context of the Human Rights Council, and the establishment of the universal periodic review mechanism of the Human Rights Council. States are thus faced with increasing requirements as regards implementing treaty obligations, reporting to the international and regional human rights systems, and following up on the recommendations or decisions emanating from them. OHCHR therefore supports States so that they may better engage with the international human rights mechanisms and implement recommendations from those mechanisms effectively.

1. National mechanisms for reporting and follow-up

49. Recognizing that many States have difficulties in living up to their multiple reporting obligations, the General Assembly, in its resolution 68/268, designed a significant capacity-building programme "to support States parties in building the capacity to implement their treaty obligations". The OHCHR treaty body capacity-building programme, subsequently established in 2015, organizes training-of-trainers workshops that focus on treaty body reporting and training methodologies, for State officials.

50. The treaty body capacity-building programme also provides assistance to requesting State parties on national mechanisms for reporting and follow-up, as well as on the preparation of common core documents and on treaty-specific reporting. In this context, the treaty body capacity-building programme launched a practical guide, and an accompanying

[13] "Informe de avance del proyecto 'Apoyo al funcionamiento de la secretaria técnica del G24' ", UNDP, July 2009.

[14] All references to Kosovo in the present document should be understood to be in compliance with Security Council resolution 1244 (1999).

study on State practices of engagement with international human rights mechanisms, which seek to identify key ingredients for a well-functioning and efficient national mechanism for reporting and follow-up, drawing on different State practices, while not proposing a one-size-fits-all solution.[15]

51. In 2016, some 28 countries received, from the treaty body capacity-building programme, assistance related to national mechanisms for reporting and follow-up. 13 countries received assistance in establishing a national mechanism for reporting and follow-up, and 15 countries received assistance on the effective functioning of their existing national mechanism for reporting and follow-up. At the same time, State officials from some 50 countries increased their knowledge and skills in regard to the human rights treaties, as well as their treaty reporting skills, further to activities conducted at the national level. By the end of 2016, the programme had enhanced the skills and knowledge of 170 State officials from 77 countries, who had become trained trainers on treaty reporting and part of a network of State officials within their subregion.

2. Technical cooperation to support the establishment of national human rights action plans

52. The Vienna Declaration and Programme of Action — the outcome document of the World Conference on Human Rights, of 1993 — suggests that States develop national action plans for human rights and that the United Nations establish a comprehensive programme to support States in establishing national human rights structures.[16] Since then, OHCHR has provided extensive assistance in the form of technical cooperation to States wanting to pursue the establishment of national human rights action plans. These plans can now benefit from increased coordination capacity at the State level through the national mechanisms for reporting and follow-up. An important milestone in this work is the production by OHCHR of a comprehensive guidance manual on national human rights action plans, which has been used extensively by States and by OHCHR staff when providing technical cooperation.[17] OHCHR will soon launch an updated version of that manual.

53. In South-East Asia, OHCHR contributed to exchanges of experiences between Indonesia, Malaysia and Thailand on the development of national human rights action plans. At the suggestion of OHCHR, Malaysian officials visited Thailand to learn from the experiences of Thailand in developing a plan.

3. Online system for reporting on recommendations, in Paraguay

54. Individual OHCHR field presences are also offering technical cooperation on enhanced engagement with the international human rights mechanisms. In Paraguay, the Human Rights Adviser supported the State (the executive, legislative and judicial branches), the Attorney-General and the Ombudsman in their joint initiative to develop an inter-institutional mechanism to monitor, follow up on and report on the recommendations issued by the United Nations and the regional human rights mechanisms in relation to Paraguay. One important outcome of that process is the online Recommendations Monitoring System,[18] developed to allow the uploading of human rights recommendations adopted by United Nations bodies in respect of Paraguay and to provide information on the follow-up to their implementation, including with regard to the State institutions in charge of implementation, all relevant policies and programmes, and actions, indicators and challenges.

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[15] OHCHR, *National Mechanisms for Reporting and Follow-Up: A Practical Guide to Effective State Engagement with International Human Rights Mechanisms* (2016).

[16] See A/CONF.157/23, para. 69.

[17] OHCHR, *Handbook on National Human Rights Plans of Action (Professional Training Series No. 10)* (29 August 2002).

[18] *Sistema de Monitoreo de Recomendaciones, frequently referred to by its Spanish acronym SIMORE.*

4. Using human rights recommendations to strengthen United Nations Development Assistance Frameworks (UNDAFs) and national development plans in Europe and Central Asia

55. Over the last decade, OHCHR has significantly increased its involvement in United Nations Development Assistance Framework processes around the world, particularly in Europe and Central Asia. Impact has been achieved through training on human rights-based approaches, active participation by OHCHR in United Nations country team/United Nations Development Assistance Framework coordination structures, the provision of clustered recommendations from the United Nations human rights mechanisms, analysis of national key human rights challenges and risks, and OHCHR inputs to initial United Nations Development Assistance Framework drafts. Additionally, in the Europe and Central Asia region, OHCHR has successfully supported the design and implementation of national human rights action plans, ensuring that they are synchronized with recommendations from all human rights mechanisms — especially from the universal periodic review — and that they are in line with the Sustainable Development Goals. Often, the Sustainable Development Goals indicators can be lined up with the United Nations Development Assistance Framework indicators, pointing towards goals and challenges also identified in the recommendations from the human rights mechanisms. In most cases, OHCHR support for United Nations Development Assistance Framework processes has been provided by field presences, including the OHCHR Regional Office for Central Asia and human rights advisors to resident coordinators and country teams, while the OHCHR headquarters in Geneva has engaged with United Nations Development Assistance Framework processes in countries of Europe and Central Asia as a non-resident entity of the United Nations system through engagement from Geneva or missions, so even without an OHCHR presence on the ground.

5. Using the United Nations Development Assistance Framework for follow-up on universal periodic review recommendations in the Lao People's Democratic Republic and Thailand

56. With the start of the second cycle of the universal periodic review in 2012, the OHCHR Regional Office for South-East Asia provided States in the region with support for reporting and following up on universal periodic review recommendations.

57. In this context, OHCHR contributed to strengthening the capacity of the United Nations country teams in the Lao People's Democratic Republic and Thailand, in order to support each State's follow-up and reporting efforts in the context of its United Nations Development Assistance Framework. Both United Nations Development Assistance Framework documents integrate a human rights-based approach and contain specific outcomes geared to assisting the countries in implementing prioritized universal periodic review recommendations, which include mainstreaming human rights in national policies.

58. The provision of support through the United Nations Development Assistance Framework furthers the strengthening of national ownership and commitment, as it is aimed at harmonizing and aligning programming priorities with national development priorities.

E. Technical human rights cooperation by other United Nations agencies and programmes and by regional organizations

59. It is safe to say that all United Nations agencies provide some form of technical cooperation to States and national stakeholders on issues directly influencing rights holders' enjoyment of their human rights. Unfortunately, the page limitation on the present report does not allow for comprehensive coverage of all those important activities. Here, only an indication of some of the priority issues addressed by a few agencies can be provided. The Board of Trustees in its reports to the Human Rights Council has described how this technical cooperation by other United Nations agencies is often guided by human rights recommendations issued to States. According to the Board of Trustees, OHCHR is playing an important role in supporting the integration of these recommendations into United Nations Development Assistance Frameworks and individual agency programmes.

particularly through the work of a number of human rights advisors to United Nations country teams.[19]

1. Helping States to mainstream rights through the United Nations Development Group human rights mainstreaming mechanism

60. In November 2009, the United Nations Development Group created the human rights mainstreaming mechanism, with the participation of 19 United Nations agencies, funds and programmes. OHCHR chairs the mechanism, with a rotating deputy, which ensures the full buy-in of other agencies. The mechanism is responding directly to the increasing demand from Member States for more technical assistance on human rights mainstreaming and on how to apply rights-based approaches to national development strategies. The mechanism also seeks to strengthen coordinated United Nations responses to requests from Member States for support in their efforts to meet their international human rights commitments. In addition, the United Nations Development Group recently produced a guidance note on human rights for resident coordinators and United Nations country teams, which will further assist resident coordinators and country teams' efforts to support States with technical cooperation.

2. UNICEF assisting States to implement the Convention on the Rights of the Child

61. The explicit reference to UNICEF in the Convention on the Rights of the Child and the long-term cooperation by UNICEF with States' efforts to implement the Convention makes it an important provider of technical assistance. The need for cooperation to implement the Convention is recognized in several of its provisions. States are explicitly encouraged in article 4 to seek and use international cooperation for implementation, while UNICEF is specifically called upon in article 45 to assist States to ensure rights. UNICEF-supported technical cooperation takes place in the 191 countries where UNICEF is present and on a large number of child rights issues, including but not limited to children and armed conflict, child labour, trafficking, sexual and gender-based violence, and justice for children.

62. UNICEF has also played an increasingly important role in supporting all the phases of the Convention on the Rights of the Child reporting process by facilitating States' constructive dialogue with the Committee on the Rights of the Child, supporting a participatory and inclusive process that involves all sectors of society, providing reports on the situation of children in each country, and contributing to the dissemination, implementation and follow-up of the concluding observations.

3. UNDP: an increasingly important human rights partner for States, national human rights institutions and civil society

63. UNDP provides policy advice, technical cooperation and capacity development in over 100 countries in relation to the United Nations human rights machinery. One example is its support for the universal periodic review process, which falls within the agency's long-standing engagement with human rights mechanisms — most commonly in close cooperation with OHCHR. The universal periodic review follow-up facility is a project of UNDP in Europe and Central Asia and the UNDP Regional Centre for Europe and Central Asia and is aimed at supporting national partners and UNDP country offices to build capacity around the universal periodic review and implement agreed human rights recommendations at the request of the programme countries/United Nations Member States. The technical cooperation activities span from dissemination of basic information on the universal periodic review process to concrete support for implementation of recommendations. Substantial UNDP efforts have been dedicated to ensuring broader participation of civil society and national human rights institutions in the universal periodic review process, including in human rights assessments (e.g. Georgia), report preparation (e.g. Bosnia and Herzegovina) and follow-up on implementation of universal periodic review recommendations (e.g. Kyrgyzstan). Another example is the extensive support that

[19] See A/HRC/29/48, para. 22 and paras. 38-41.

UNDP provides for the establishment and strengthening of national human rights institutions in all regions, and its collaboration with regional networks of national human rights institutions.

4. Technical cooperation by OHCHR in close collaboration with other United Nations agencies — examples from the Democratic Republic of the Congo

64. In the Democratic Republic of the Congo, addressing sexual violence against women has long been an issue involving several United Nations agencies. In 2013, the United Nations Joint Human Rights Office — the human rights component of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) — provided legal assistance free of charge to 1,507 victims of sexual violence, in 12 legal clinics and 25 legal aid centres throughout the country. Additionally, between 2009 and 2014, around 33,000 victims of sexual violence benefited from holistic care comprising legal, medical, psychosocial, and social and economic assistance, provided by MONUSCO, UN-Women, the Open Society Initiative for Southern Africa, the United Nations Population Fund and UNICEF, often through local NGOs.[20]

F. Technical human rights cooperation by regional organizations[21]

65. In September 2013, the United Nations High Commissioner for Human Rights and the Secretary-General of the Council of Europe signed a framework cooperation agreement on reinforcing cooperation between the two institutions. The agreement covers regular consultation and joint participation in activities, exchange of information and general cooperation. One of the aims of the agreement is to strengthen cooperation in the field, including by assisting governments in implementing the recommendations of the human rights mechanisms of the United Nations and the Council of Europe.

66. In response to the armed conflict in Ukraine, several regional organizations have cooperated closely with the local OHCHR field presence and also implemented their own monitoring and technical cooperation activities. In January 2015, the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe (OSCE) initiated a project in Ukraine to build the capacity of civil society, religious or belief communities and relevant State institutions to identify and respond to hate crimes, and to promote dialogue among religious people and between the State and religious or belief communities, in line with international standards on freedom of religion or belief. The OSCE project coordinator in Ukraine has provided capacity-building and technical cooperation in many other human rights areas, including the rights of internally displaced persons, trafficking, domestic violence, the training of judges, advocates, journalists and law enforcement officers, and the development of a national action plan on Security Council resolution 1325 (2000) on women, peace and security. OSCE also provides capacity-building and technical cooperation in the Balkans and the Commonwealth of Independent States.

67. The VFTC Board of Trustees has often encouraged and praised OHCHR technical cooperation work with regional and subregional human rights mechanisms in Africa, such as the African Union, the Southern African Development Community, the Economic Community of West African States and the Intergovernmental Authority on Development (see, for example, A/HRC/16/66, para. 18).

IV. Lessons learned, challenges and the way forward

68. The last ten years of developing and implementing OHCHR technical cooperation programmes with key State partners, in cooperation with other United Nations agencies and regional organizations, have been particularly fruitful in terms of results and the

[20] Data gathered from MONUSCO performance reports from 2009 to 2014.

[21] For further information, see A/HRC/34/23.

development of good practices. Special support to the least developed countries and small island developing States through a special trust fund managed by OHCHR has increased engagement with the Human Rights Council and the international human rights system in general.

69. The universal periodic review has proved to be a pivotal development in facilitating and encouraging demand for sound technical cooperation in the field of human rights. This mechanism and its outcome reports have also served to increase the interest in technical support from other parts of the United Nations system. A general expansion of the international human rights system, including the entry into force of a number of new human rights treaties and special procedure mandates, has also contributed to an increase in demand for technical cooperation over these ten years. This expansion, particularly in the number of treaty bodies, has required additional OHCHR efforts to support States' capacity to engage with the human rights mechanisms, such as the OHCHR treaty body capacity-building programme described in the present report.

70. This review of the last ten years of technical cooperation has underlined the need for human rights cooperation to take a systemic approach, assessing with national counterparts the broader institutional and normative context and challenges before designing and proposing the required support and the desired course of action.

71. The technical cooperation that OHCHR is best placed to offer should not be seen as an isolated activity but rather as part of an integrated multi-dimensional human rights strategy in line with the High Commissioner's comprehensive and global mandate, with its value added and comparative and collaborative advantages. Also, technical cooperation alone is seldom effective unless coupled with strengthened accountability mechanisms. As the United Nations Deputy High Commissioner for Human Rights has explained, "sound and efficient technical cooperation and capacity-building programmes require to be based on solid understanding and analysis of the situation and the existing multifaceted challenges, which can only be achieved through independent and credible monitoring activities".[21] According to the United Nations High Commissioner for Human Rights, "the information and analysis that result from OHCHR's monitoring activities constitute an important basis for identifying capacity-building needs and opportunities for technical cooperation".[22]

72. Technical cooperation has proved to be a natural entry point for the United Nations to engage directly with national and local authorities, national human rights institutions and civil society, to better understand and remedy the challenges that they are facing in their daily work. Such joint cooperation often builds trust, which is essential in addressing not only knowledge and capacity gaps but also commitment gaps, through monitoring, advocacy and advice. Furthermore, the present review indicates that OHCHR can also contribute to building increased trust — a necessary condition for effective cooperation — between authorities and the civil society human rights community. Regarding the latter community, a specific effort has been made to reach out to marginalized and vulnerable groups, who are often unaware of their rights and have limited access to local authorities.

73. Such comprehensive engagement with national and local authorities and their realities requires stable and long-term mandates for the OHCHR field presences, as well as secure funding projections, in order to avoid short and unsustainable interventions that lack the proper follow-up. Many of the most effective OHCHR technical cooperation activities span five to ten years or more and owe their success to a step-by-step methodology that benefits from the trust developed with national counterparts.

74. This review has shown that there is room for effective replication of technical cooperation success stories — not exclusively by OHCHR or the United Nations system.

[21] From the opening statement delivered by Flavia Pansieri at "Twenty years after the Vienna World Conference on Human Rights: an assessment", in Bonn, Germany, on 9 November 2013.

[22] From the statement delivered by Navi Pillay to the Human Rights Council at its twenty-sixth session, on 25 June 2014, for the opening of the panel discussion on technical cooperation and capacity-building in advancing the rights of persons with disabilities through legal and institutional frameworks, including public-private partnerships.

Many Member States are also in an excellent position to provide technical cooperation in the field of human rights, including innovative South-South cooperation in many areas and regions. One important step in that direction is to further document and share lessons learned from technical cooperation experiences, for instance with respect to national coordination mechanisms for implementation, or national human rights action plans.

75. Since the establishment of the Human Rights Council, OHCHR has enhanced its capacity as a fully results-oriented organization improving its capacity to monitor the implementation and impact of its technical cooperation programme, including through its performance monitoring system and periodic evaluations. This strengthened capacity facilitates useful replication of success stories. Therefore, the development of tools applicable to entire regions (model laws, protocols and so on) will be one important way forward in order to increasingly strengthen States' capacity to promote, protect and fulfil rights.

76. All United Nations agencies provide some form of technical cooperation to States and national stakeholders on issues directly influencing rights holders' enjoyment of human rights. Increasingly, that cooperation is harnessed by the United Nations Development Assistance Frameworks and is developed in line with, or even guided by, human rights recommendations emanating from the international human rights system. Some of the larger United Nations agencies, programmes and funds, which have extremely extensive networks of field presences, are also the ones most involved in technical cooperation to promote, protect and fulfil rights, normally in very close cooperation with OHCHR.

77. Regional organizations play a crucial role in supporting the realization of rights. Most of them, however, are focused on monitoring and advising on the implementation of States' regional treaty obligations, rather than designing and implementing technical cooperation projects.

78. Looking forward, technical cooperation will be part and parcel of an effective third cycle of the universal periodic review process (2017-2021), which will be crucial in following up on and advancing human rights achievements at the national level in close cooperation with governments and other national stakeholders and with the support of the international community. States, national human rights institutions and civil society actors will be able to consult on technical cooperation support from the United Nations. But more needs to be done to better align development and human rights efforts at the country level in order to deal effectively with human rights gaps in implementation and thus address root causes.

79. Technical cooperation has also proved to be a critical vehicle in support of and contributing to national development objectives in line with human rights standards. At the global level, the Millennium Development Goals, and now the Sustainable Development Goals, have guided and are guiding national development policies, which have increasingly translated into clearer State commitments to economic, social and cultural rights, as well as civil and political rights. Addressing the causes of human rights violations is also part of the Secretary-General's renewed emphasis on prevention. Technical cooperation can play an important role in implementing recommendations from the universal periodic review and other human rights mechanisms, which is a crucial step towards development and crisis prevention.

66. The 2030 Agenda recognizes that peace and security, development and human rights are interrelated and mutually reinforcing. Member States have committed to securing freedom from fear and freedom from want for all people, without discrimination. To this end, OHCHR is working closely with partners within and beyond the United Nations system to support the implementation of the 2030 Agenda for the full realization of human rights. One of the sharpest tools it has in doing so is its technical cooperation programme, which has gained impressive experience over the past decade in relation to the mainstreaming of human rights into development plans. Here, the development by OHCHR of human rights indicators will help the United Nations to better support States in monitoring their progress towards the fulfilment of the Sustainable Development Goals and the 2030 Agenda.